

UPDATE INFORMATION SHEET

The Auditor's office is responsible for providing update pages to

Vols. I & II – Portland City Code

Updates will be available periodically throughout the year. This sheet will provide you with the current update information to assist you in keeping your book current.

**Retain this sheet. It will be replaced with each mailing.
Please contact us should you have any questions 503-823-4082.**

Update Packet Enclosed	June 30, 2013
Previous Update Packet	March 31, 2013

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
2nd Quarter 2013 (June 30, 2013)

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Chapter 2.10

**CAMPAIGN
FINANCE FUND**

(Chapter repealed by Ordinance No. 185552,
effective September 21, 2012.)

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Chapter 2.12

REGULATION OF LOBBYING ENTITIES

(Chapter added by Ordinance No. 179843,
effective April 1, 2006.)

Sections:

- 2.12.010 Purpose.
- 2.12.020 Definitions.
- 2.12.030 Registration for Lobbying Entities.
- 2.12.040 Quarterly Reporting Requirements for Lobbying Entities.
- 2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.
- 2.12.060 Declaration Required by Lobbyists
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- 2.12.090 Verification of Reports, Registrations and Statements.
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- 2.12.110 Auditor to Prescribe Forms, Accept Voluntary Filings and Provide Public Access to Filed Information.
- 2.12.120 Penalties.
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2.12.010 Purpose.

The City finds that, to preserve the integrity of its decision making processes, lobbying entities that engage in efforts to influence City officials, should report their lobbying efforts to the public.

2.12.020 Definitions.

(Amended by Ordinance Nos. 180205, 180620, 180917, 181204, 182389, 182671, 184046, 184882, 185304 and 186028, effective May 15, 2013.) As used in this Chapter unless the context requires otherwise:

- A. “Calendar quarter” means one of the four three-month periods of January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31.
- B. “Calendar year” means the period of January 1 through December 31.

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- C.** “City director” means the director or individual in charge of the following or its successors: the Bureau of Transportation, the Office of Management and Finance, the Office of Government Relations, the Office of Neighborhood Involvement, the Bureau of Planning and Sustainability, the Office for Community Technology, the Portland Bureau of Emergency Management, the Bureau of Emergency Communications, Portland Fire & Rescue, the Bureau of Police, the Bureau of Parks and Recreation, the Bureau of Environmental Services, the Portland Water Bureau, the Bureau of Development Services, the Portland Housing Bureau, the Bureau of Revenue, and the Portland Development Commission.
- D.** “City official” means any City elected official; the at will staff of a City elected official; any City director as defined in this section; or appointee to the Portland Development Commission, the Planning and Sustainability Commission, the Design Commission, and the Fire and Police Disability and Retirement Board.
- E.** “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.
- F.** “Official action” means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, measure, resolution, amendment, nomination, appointment, or report, or any matter, including administrative action, that may be the subject of action by the City.
- G.** “Lobby” or “Lobbying” or “Lobbies” means attempting to influence the official action of City officials. Lobbying includes time spent preparing emails and letters and preparing for oral communication with a City official. Lobbying does not include:
1. Time spent by an individual representing his or her own opinion to a City official.
 2. Time spent participating in a board, committee, working group, or commission created by City Council through approval of resolution or ordinance.
 3. Time spent by a City official or City employee acting in their official capacity as an official for the City.
 4. Time spent submitting a bid, responding to related information requests, and negotiating terms on a competitively bid contract or intergovernmental agreement.

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5. Oral or written communication made by a representative of a labor organization that is certified or recognized, pursuant to ORS 243.650 et seq., as the exclusive bargaining representative of employees of the City of Portland, to the extent that such communications do not deal with actual or potential ordinances that are unrelated to the collective bargaining process, or implementation or application of any collective bargaining agreement provision.
 6. Formal appearances to give testimony before public hearings or meetings of City Council.
 7. Work performed by a contractor or grantee pursuant to a contract with or grant from the City.
 8. Time spent by any person holding elected public office, or their specifically authorized representative, acting in their official capacity.
- H.** “Lobbying entity” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group who lobbies either by employing or otherwise authorizing a lobbyist to lobby on that person’s behalf.
- I.** “Lobbyist” means any individual who is authorized to lobby on behalf of a lobbying entity.
- J.** “Person” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group.
- K.** “Gift” means something of economic value given to a City official without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not City officials on the same terms and conditions; and something of economic value given to a City official for valuable consideration less than that required from others who are not City officials. However, “gift” does not mean:
1. Campaign contributions, as described in ORS Chapter 260.
 2. Gifts from family members.

2.12.030 Registration for Lobbying Entities.

(Amended by Ordinance Nos. 180205 and 181204, effective September 7, 2007.)

- A.** Within three working days after a lobbying entity has spent 8 hours or more or estimates that it has spent cumulative 8 hours or more during any calendar quarter

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lobbying, the lobbying entity shall register with the City Auditor by filing with the Auditor a statement containing the following information:

1. The name, address, email, website and telephone number of the lobbying entity;
 2. A general description of the trade, business, profession or area of endeavor of the lobbying entity;
 3. The names, addresses, email, website and telephone number of all lobbyists who are employed by or otherwise authorized to lobby on behalf of the lobbying entity. The list must include:
 - a. Individuals who are paid to lobby for the interests of the lobbying entity.
 - b. Other persons, including lobbying entity employees or volunteers, who are authorized to lobby on behalf of the lobbying entity.
 4. The subjects and any specific official actions of interest to the lobbying entity.
- B.** A business, organization, or association who anticipates registering as a lobbying entity is encouraged to register at the beginning of each calendar year.
- C.** Registrations shall expire December 31 of every year. Lobbying entities shall renew their registrations once the 8-hour threshold has been reached in each calendar year.
- D.** An authorized representative of the lobbying entity must sign the registration required by this Section.

2.12.040 Quarterly Reporting Requirements for Lobbying Entities.

(Amended by Ordinance Nos. 180205, 180620 and 181204, effective September 7, 2007.)

- A.** A lobbying entity registered with the City Auditor or required to register with the City Auditor shall file a report, if the lobbying entity has spent an estimated 8 hours or more during the preceding calendar quarter lobbying, with the City Auditor, by April 15, July 15, October 15, and January 15, showing:
1. The specific subject or subjects of the official action of interest to the lobbying entity, including but not limited to the names of City officials a lobbying entity met with or contacted through direct mail, email or

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telephone regarding such subject or subjects, the name of the registered lobbyist representing the entity and the date of the contact

- 2.** A good faith estimate of total moneys, if the total exceeds \$1000.00, expended by the lobbying entity or any lobbyist employed by or otherwise authorized to lobby on behalf of the lobbying entity, for the purpose of lobbying City officials on behalf of the lobbying entity in the preceding calendar quarter reporting period for:

 - a.** Food, refreshments, travel and entertainment;
 - b.** Printing, postage and telephone;
 - c.** Advertising, direct mail and email;
 - d.** Miscellaneous and gifts;
 - e.** Compensation paid to lobbyists; and
 - f.** Reimbursements to lobbyists for their expenses.
 - 3.** The name of any City official to whom or for whose benefit, on any one occasion, the lobbying entity made an expenditure in excess of \$25.00 in the preceding calendar quarter for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure.
- B.** Statements required by this section need not include amounts expended by the lobbying entity for personal living and travel expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.
- C.** A lobbying entity shall update any information submitted in Section 2.12.030 that has changed since registration.
- D.** A statement required by this section shall include a copy of any notice provided to a City official under ORS 244.100(3).
- E.** An authorized representative of the Lobbying Entity must sign the declaration required by Section 2.12.090 A for each quarterly report.

- F.** Lobbying entities who do not anticipate spending over \$1,000 per calendar quarter for the purpose of lobbying may sign and file a certificate of limited expenditure provided by the Auditor's office in lieu of the financial portion of the quarterly report described in Section 2.10.040 A.2. The certificate affirms that the lobbying entity will spend less than the threshold required for quarterly financial reporting of moneys expended under Section 2.12.040 A.2. If a lobbying entity that files a certificate of limited expenditure spends over \$1,000 in a calendar quarter for the purpose of lobbying, the lobbying entity shall withdraw the certificate of limited expenditure and shall report moneys expended pursuant to Section 2.12.040 A.2.
- G.** A lobbying entity may amend a quarterly report without penalty if it files the amended report within 25 days after the end of the calendar quarter.

2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.

(Amended by Ordinance Nos. 180620 and 181204, effective September 7, 2007.) In addition to the thresholds set forth in Section 2.12.030 and 2.12.040 for the registration, reporting and financial reporting of lobbying entities, Sections 2.12.030 and 2.12.040 do not apply to the following persons:

- A.** News media, or their employees or agents, that in the ordinary course of business directly or indirectly urge official action but that engage in no other activities in connection with the official action.
- B.** Lobbying entities that spent fewer than 8 hours lobbying during every calendar quarter in a calendar year.
- C.** Any lobbying entity that satisfies all three of the following requirements:

 - 1.** Complies with state public record and meeting laws or with the standards referenced in Section 3.96.020 G.;
 - 2.** Is classified as a non-profit organization, registered with the Oregon Secretary of State Corporation Division; and
 - 3.** Is formally recognized by the Office of Neighborhood Involvement or through City Council resolution or ordinance.

2.12.060 Declaration Required by Lobbyists

(Amended by Ordinance No. 180205, effective June 7, 2006.) Prior to offering public testimony before City officials, at the beginning of any meetings or phone calls with City

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officials, or in emails and letters to City officials, a lobbyist must declare which lobbying entity he or she is authorized to represent for that communication.

2.12.070 Reporting Requirements for City Officials

(Amended by Ordinance Nos. 180205 and 180620, effective December 22, 2006.)

- A.** City officials shall file written reports documenting any gifts, meals or entertainment in excess of \$25.00 received from a lobbying entity or any person authorized to lobby on the lobbying entity's behalf. Such reports shall include:
1. Name of lobbying entity, and if applicable, name of lobbyist;
 2. Subject of lobbying;
 3. Value of gift, meal or entertainment; and
 4. Date of receipt.
- B.** City officials shall file written reports after a lobbyist or lobbying entity has agreed to make a donation of personal or real property to the City. Such reports shall include:
1. Name of lobbying entity, and if applicable, name of lobbyist;
 2. Gift or donation requested;
 3. Purpose of donation; and
 4. Date of request.
- C.** The reports, if any, required by subsections 2.12.070 A. and B. shall be filed with the City Auditor 15 days after the end of the calendar quarter. City officials, other than elected officials, are not required to file reports with the Auditor if the amount of the gift, meal or entertainment is less than \$25.00 or if no gifts or donations have been requested in the calendar quarter.
- D.** Elected officials and City directors shall post their calendars of activities related to official City business to the lobbyist website designated by the City Auditor 15 days after the end of the calendar quarter for the previous calendar quarter, unless an elected official or City director determines that such posting poses a safety threat.
- E.** A City Official may amend a quarterly report without penalty if he or she files the amended report within 25 days after the end of the calendar quarter.

2.12.080 Prohibited Conduct.

- A.** No former City elected official, City director or other employee shall, for a period of one year after the termination of the employee's term of office or employment, lobby for money or other consideration a City official, regarding any subject matter on which the employee participated personally and substantially during the employee's term of office or employment; provided, that if the employee exercised contract management authority with respect to a contract, this prohibition shall be permanent as to that contract.

- B.** The prohibitions in this Section shall not apply to:
 - 1.** Prevent any former City elected official or other City employee from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before the City;
 - 2.** The activities of any former City elected official or other City employee who is an elected or appointed officer or employee of any public body, when that former City elected official or other City employee is solely representing that agency in his or her official capacity as an officer or employee of the public body;
 - 3.** Any ministerial action. For purposes of this subsection, a ministerial action is one that does not require a City official or other City employee to exercise discretion concerning any outcome or course of action.
 - 4.** Prevent City officials or other City employees from seeking information or participation from former City elected officials or other City employees where the public interest would be served by the information or participation.

2.12.090 Verification of Reports, Registrations and Statements.

(Amended by Ordinance No. 181204, effective September 7, 2007.)

- A.** Each report, registration or statement required by this Chapter shall contain or be verified by a written or electronic declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.

- B.** No person shall willfully make and subscribe any document which contains or is verified by a written or electronic declaration for false swearing which the person does not reasonably believe to be true and correct to every matter.

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2.12.100 Public Nature of Reports, Registrations and Statements.

All information submitted to the City Auditor in any report, registration or statement required by this Chapter is a public record and will be posted on Office of the Auditor website within three business days.

2.12.110 Auditor's Duties.

In carrying out the provisions of this Chapter, the City Auditor:

- A. Shall prescribe forms for registrations, statements and reports, and provide such forms to persons required to register and to file such statements and reports;
- B. Shall accept registrations and reports in an electronic format;
- C. Shall accept and file any information voluntarily supplied that exceeds the requirements of this Chapter;
- D. Shall make registrations, statements and reports filed available for public inspection and copying during regular office hours, and make copies available. The Auditor may charge fees to recover the cost of retrieval and copying;
- E. May audit whether registrations and reports required by this Chapter have been completed properly and within the time frames specified in this Chapter;
- F. Is authorized to adopt administrative rules to carry out the duties and to administer the provisions of this Chapter.

2.12.120 Penalties.

A person who violates any provision of this Chapter or fails to file any report, registration or statement or to furnish any information required by this Chapter shall be subject to a civil penalty in an amount not to exceed \$500.00 per violation. At the request of the Auditor, the City Attorney may seek civil penalties and enforcement of any provision of this Chapter in Multnomah County Circuit Court or other appropriate venue.

2.12.130 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is held invalid by any court, the remainder of this Chapter and its application to other persons and circumstances, other than that which has been held invalid, shall not be affected by such invalidity, and to that extent the provisions of this Chapter are declared to be severable.

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**TITLE 3
ADMINISTRATION**

Planning and Zoning, portions of other City Titles, and a range of programs and policies;

- D.** Maintains, modifies, and updates Title 33, Planning and Zoning, and the City Zoning Map;
- E.** Develops, modifies and updates city sustainability principles, climate protection strategies, and green building and other sustainability policies and programs including sustainable government, renewable energy, energy efficiency, sustainable industries, and sustainable food systems; and evaluates the implementation and effectiveness of these policies and programs;
- F.** Develops, modifies and updates economic, environmental, housing, historic preservation, and community development policies and programs; updates demographic data; advocates for and advances quality sustainable urban design; works to ensure natural resource enhancement; and supports thriving neighborhoods and business communities; and evaluates the implementation and effectiveness of these policies and programs;
- G.** Convenes meetings of the Planning and Development Directors to coordinate planning and development activities of the City of Portland;
- H.** Provides City input into and coordination with regional and statewide planning and development activities;
- I.** Administers the City's solid waste and recycling rules and programs;
- J.** Provides support for:
 - 1.** The activities of the Planning and Sustainability Commission;
 - 2.** The legislative activities of the Portland Historic Landmarks Commission and the Portland Design Commission.
- K.** Carries out other tasks and functions as required by the City Council or Commissioner in Charge.

**TITLE 3
ADMINISTRATION**

Chapter 3.34

**BUREAU OF PURCHASES AND
STORES**

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.36

PORTLAND HOUSING BUREAU

(Chapter added by Ordinance No. 186028,
effective May 15, 2013.)

- 3.36.010 Purpose.
- 3.36.020 Organization.
- 3.36.030 Functions.

3.36.010 Purpose.

The purpose of this Chapter is to describe the duties and responsibilities of the Portland Housing Bureau.

3.36.020 Organization.

The Portland Housing Bureau is administered by the Commissioner-in-Charge and led by the Director of the Portland Housing Bureau. The organization is structured to carry out its functions.

3.36.030 Functions.

The Portland Housing Bureau is responsible for housing policy, its implementation, and the distribution and oversight of public and other funds that address the housing interests of the City, and related programs and services.

A. The Portland Housing Bureau:

1. Works with the City Council, other bureaus, and the community to develop a vision for housing in the City of Portland;
2. Convenes government, community and stakeholders to coordinate planning for addressing homelessness, housing, and related activities;
3. Develops, modifies, evaluates and updates City policy in accordance with planning priorities;
4. Develops, modifies and updates community programs related to housing;
5. Distributes funds in accordance with planning, policy and program priorities to advance the City's interests in housing;

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6. Monitors the City's investment in Portland's affordable housing infrastructure for compliance with funding goals and the proactive management of the assets;
7. Monitors programs funded through the Bureau for compliance with funding goals;
8. Identifies the resources required to support the City's housing policies, programs, and priorities;
9. Provides support for the Portland Housing Advisory Commission (Chapter 3.38);
10. Carries out other tasks and functions as required by the City Council or Commissioner-in -Charge.

Chapter 3.38
PORTLAND HOUSING ADVISORY
COMMISSION (PHAC)

(Chapter replaced by Ordinance No. 184329,
effective December 15, 2010.)

Sections:

- 3.38.010 PHAC Established.
- 3.38.020 PHAC Mission.
- 3.38.030 Duties.
- 3.38.040 Membership.
- 3.38.050 Staffing.
- 3.38.060 Consolidated Plan Consortium.
- 3.38.070 Cooperation.

3.38.010 PHAC Established.

Upon adoption of this ordinance by the City of Portland, the Portland Housing Advisory Commission (PHAC) is established. The PHAC is designated as the primary public forum for discussion of housing policy, strategy, and resources in the City of Portland.

3.38.020 PHAC Mission.

The mission of the PHAC is to advise the Director of the Portland Housing Bureau (PHB), the Housing Commissioner, and the Portland City Council on housing and homelessness policy, strategy, and resource issues, promote improvements within the Portland Housing Bureau and the larger housing system, highlight opportunities for influence between the City housing system and other systems, as well as provide a forum for public input on housing and homelessness issues.

3.38.030 Duties.

The PHAC is delegated to carry out the following functions:

- A. Housing Policy and Planning.
 - 1. Provide a sounding board on Portland housing policy issues.
 - 2. Promote improvements within PHB.
 - 3. Identify opportunities where PHB might influence the larger housing system to become more streamlined and to better align system resources, to support PHB's mission.
 - 4. Advise PHB on City priorities for affordable housing development.

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5. Monitor and periodically recommend updates to PHB's Strategic Plan.
 6. Monitor and annually recommend updates to the Consolidated Plan Priorities for allocation of federal housing and community development resources.
 7. Recommend annual production and performance goals to carry out PHB's Strategic Plan and the Consolidated Plan.
 8. Press PHB to implement its commitment to equity in all facets of its work.
- B. Budget Review and Recommendations.**
1. Function as the Budget Advisory Committee for the Portland Housing Bureau.
 2. Assist PHB to align its resources from all sources to its mission and priorities.
 3. Identify opportunities for PHB to influence other public agency budgets and proposed work programs in furtherance of its mission.
- C. Resource Development. Assist PHB to identify and recommend ways to increase the resources available to maintain and expand the supply and availability of affordable housing and necessary support services through new initiatives and programs.**
- D. Program Development and Evaluation.**
1. Advise PHB on the effectiveness of housing programs at meeting PHB's mission.
 2. Advise on strategies for investment of public resources in furtherance of the PHB's mission.
- E. Public-Private Partnerships.**
1. Advise PHB on strategies to improve access to public and private sources of financing for affordable housing initiatives. Sources of financing include banks, philanthropic institutions and other socially-motivated investors, the State Housing Trust Fund, Block Grant and entitlement funders, and bond issuing agencies.

2. Foster housing production by identifying opportunities to streamline the regulatory process.
3. Actively encourage the support, personal commitment, and participation of highly respected community leaders in furthering the City's affordable housing agenda.

F. Community and Intergovernmental Relations.

1. Provide a forum for members of the community to provide comment about community needs and priorities.
2. Advise PHB on its legislative agenda to increase federal and state support for housing and supportive services.
3. Advise PHB on opportunities to coordinate regional housing policy with the Metropolitan Service District and other local governments.
4. Advise PHB on opportunities to coordinate policy development with local housing and social service groups.
5. Assist PHB to extend and deepen its community partnerships.
6. Assist PHB to integrate the perspectives of Urban Renewal Advisory Committees (URACs), and advise it on other ways it can engage the URACs to inform its broader agenda.
7. Periodically review PHB's broader public involvement strategy and implementation to make sure that community members and stakeholders have many opportunities to participate in PHB's work.
8. Advise PHB on its external communications strategy to make sure that it supports PHB's mission.
9. Periodically review PHB's information and referral strategy to make sure that it operates effectively and recommend changes.

3.38.040 Membership.

- A. The PHAC shall consist of at least twelve and no more than fifteen members.
- B. The City of Portland shall appoint all members.

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ADMINISTRATION**

- C.** Membership appointment shall achieve a balanced citizen-based perspective embracing a high level of knowledge of and expertise in market-rate and rent-restricted housing development and finance, asset management, homeownership, and housing access and stabilization services.
- D.** Membership appointment shall take into account the income, racial, ethnic, cultural, and geographic diversity of the community
- E.** Members will be expected to transcend their individual interests and affiliations to focus on the big picture.
- F.** For the initial appointments to PHAC, the following terms will apply: six members shall be appointed for a term of two years; and six for a term of three years.
- G.** All subsequent appointments to the PHAC shall be for terms of two years.
- H.** Members appointed for one two-year term shall be eligible to renew for one additional two-year term.
- I.** Members shall serve without compensation. However, the City may authorize reimbursement of the reasonable expenses of the members for carrying out the work of the PHAC.
- J.** The PHAC shall adopt rules of procedure (bylaws) as necessary for the governance of its proceedings.

3.38.050 Staffing.

PHB staff shall be provided for the ongoing functions of the PHAC. The Bureau shall provide notice of PHAC meetings to liaison staff representing the other key implementing and policy agencies in the local housing delivery system.

3.38.060 Consolidated Plan Consortium.

The Portland Housing Bureau shall continue to lead the Portland Consortium that includes the City of Gresham and Multnomah County, for the purpose of applying for federal housing and community development entitlement funds, and funding for homeless programs and services. PHB shall also continue to lead the same Consortium in preparing the Analysis of Impediments to Fair Housing and its periodic updates. PHB shall continue to provide staffing for these efforts, according to funding agreements reached among the participating jurisdictions.

3.38.070 Cooperation.

All city boards, bureaus, and agencies of any kind shall cooperate with the PHAC and shall provide information at the Commission's request.

Chapter 3.40

BUREAU OF GENERAL SERVICES

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.44

BUREAU OF CIVIC AUDITORIUM

(Chapter repealed by Ordinance No. 173369,
effective May 12, 1999.)

Chapter 3.46

BUREAU OF INSECT CONTROL

3.46.010 County to Perform Duties.

During the terms of a contract presently existing between the City and Multnomah County whereby functions of the City's Bureau of Insect Control are being performed by the County and all Bureau of Insect Control employees are now County employees, the Multnomah County Department of Medical Services shall perform the functions heretofore performed by the Bureau of Insect Control.

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Chapter 3.52

BUREAU OF COMPUTER SERVICES

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.53

BUREAU OF RISK MANAGEMENT

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.54

LOSS CONTROL AND PREVENTION

(Chapter added by Ordinance No. 156028,
effective May 31, 1984.)

Sections:

- 3.54.010 Definitions.
- 3.54.020 OMF Risk Management Division Responsibility and Authority.
- 3.54.030 Bureau Responsibility and Authority.
- 3.54.040 Loss Control and Prevention Advisory Committee - Responsibility and Authority.

3.54.010 Definitions.

(Amended by Ordinance No. 158966, effective Oct. 6, 1986.) Unless the context indicates otherwise, words used in this Chapter shall have the following meanings:

- A. **“Bureau”** means any City bureau, office, commission, or committee.
- B. **“Committee”** means the Loss Control Advisory Committee, consisting of the Risk Manager as Chairperson, the Mayor and each Commissioner, the City Auditor, the City Attorney, the Director of the Office of Fiscal Administration, and the Personnel Director, or their designees.
- C. **“Loss Control Program”** and **“Program”** mean a Citywide program consisting the loss control components of the City’s bureaus. **“Loss control component”** and **“component”** mean the written rules, regulations, and plan developed by each bureau and reviewed by the Committee, providing for both procedural and physical risk identification, measurement, and control in the bureau’s activities. Components may address any methods for loss prevention and control, including without limitation, accident reporting, accident review, hearing conservation, eye safety, respiratory protection, vehicular safety, industrial injuries and return to work, personal protective equipment, volunteer coverage, property loss management, and tort early warning.

3.54.020 OMF Risk Management Division Responsibility and Authority.

(Amended by Ordinance Nos. 158966 and 181483, effective January 18, 2008.) The OMF Risk Management Division shall have the following responsibility and authority in the area of City loss control and prevention:

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- A. Develop guidelines, instructions, and a model plan to assist bureaus in developing loss prevention and control components;
- B. On final review by the Committee of components submitted by the bureaus, file the City-wide program with the City Auditor and issue the program for implementation by affected bureaus;
- C. Advise and assist affected bureaus in the implementation of components or parts thereof;
- D. Monitor the effectiveness of components, and collect, analyze, and report annually to the Committee and City Council data showing the status of the components and the performance of bureaus implementing the components.

3.54.030 Bureau Responsibility and Authority.

(Amended by Ordinance Nos. 158966 and 181483, effective January 18, 2008.) Each City bureau shall have the following responsibility and authority:

- A. Develop a written loss control component which shall include detailed and specific objectives, methods, and techniques for preventing injuries, illnesses, and other events leading to workers' compensation, liability, and property loss claims;
- B. Include in the component specific performance objectives to permit monitoring and reporting on the Bureau's performance in reducing claims;
- C. Submit the proposed component to the Committee for review;
- D. On completion of review by the Committee and approval by the OMF Risk Management Division, implement the component;
- E. Annually review its component, make any appropriate revisions, and submit any revisions of the component to the Committee for its review.

3.54.040 Loss Control and Prevention Advisory Committee - Responsibility and Authority.

(Added by Ordinance Nos. 158966 and 181483, effective January 18, 2008.) The Loss Control and Prevention Advisory Committee shall have the following responsibility and authority:

- A. In conjunction with bureau managers, develop and propose for approval by the City Council goals for each bureau or appropriate groups of bureaus for the frequency and severity of workers' compensation and liability losses.
- B. Obtain from each bureau its proposed written loss control component;

- C.** Review each component to ensure that it is appropriate, adequate, thorough, and consistent with components developed by other bureaus;
- D.** Suggest revisions, if appropriate, and return the component to the bureau for consideration or revisions;
- E.** Upon final review of components, provide them to the OMF Risk Management Division for approval and implementation by bureaus.

Chapter 3.57

**INDUSTRIAL INJURY RETURN
TO WORK POLICY**

(Chapter repealed by Ordinance No. 176302,
effective April 5, 2002.)

Chapter 3.58

VEHICLE LOSS CONTROL POLICY

(Chapter repealed by Ordinance No. 176302,
effective April 5, 2002.)

Chapter 3.60

ZOO COMMISSION

(Chapter repealed by Ordinance No. 173369,
effective May 12, 1999.)

**TITLE 3
ADMINISTRATION**

Chapter 3.62

BOXING COMMISSION

3.62.010 Certain City Officials to Render Certain Services.

(Amended by Ordinance No. 173369, effective May 12, 1999.) The Council finds that by the provisions of ORS Chapter 463 certain functions are to be performed by the Council and certain City officers; now, therefore, the City officials are hereby permitted and authorized to exercise the functions therein stated for and on behalf of the State as herein provided.

Chapter 3.64

ART COMMISSION

(Chapter repealed by Ordinance No. 136980,
effective July 13, 1973.)

Chapter 3.66

**CIVIC AUDITORIUM ADVISORY
COMMITTEE**

(Chapter repealed by Ordinance No. 160034,
effective August 13, 1987.)

Chapter 3.67

**PERFORMING ARTS ADVISORY
COMMITTEE**

(Chapter added by Ordinance No. 152285,
effective September 17, 1981.)

Sections:

- 3.67.010 Creation and Organization.
- 3.67.020 Procedure and Rules of Committee.
- 3.67.030 Duties.

3.67.010 Creation and Organization.

(Amended by Ordinance No. 153332, effective June 9, 1982.) There hereby is created an Advisory Committee to the Commissioner In Charge of the Portland Center for the Performing Arts to be known as the Performing Arts Center Advisory Committee. The Committee shall consist of 13 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members and shall designate the Chairman. Each member shall serve at the pleasure of the Commissioner In Charge. Upon completion for occupancy of all the facilities composing the Portland Center for the Performing Arts, the Performing Arts Center Advisory Committee shall be disbanded. In case of vacancy by death, incapacity to serve, or resignation, the Commissioner In Charge shall appoint a successor to serve the remainder of the vacant term. The Commissioner In Charge, or that person's representative, shall be an ex officio member of the Committee, but shall not be entitled to vote.

3.67.020 Procedure and Rules of Committee.

The Performing Arts Center Advisory Committee shall establish its own rules, bylaws and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at the call of the Chairman.

3.67.030 Duties.

The Performing Arts Center Advisory Committee shall be responsible for raising funds and advising the Commissioner In Charge in the planning, programming, design and construction phases of the Portland Center for the Performing Arts.

**TITLE 3
ADMINISTRATION**

Chapter 3.68

**FORMAL JAPANESE GARDEN
COMMISSION**

Sections:

- 3.68.010 Created.
- 3.68.020 Powers and Duties.
- 3.68.030 Meetings.
- 3.68.040 Officers.
- 3.68.050 Rules - Quorum.
- 3.68.060 Vacancy - Removal.

3.68.010 Created.

There hereby is created a Formal Japanese Garden Commission for the City. The Commission shall consist of the Mayor, the Commissioner In Charge of the Bureau of Parks, the President of the Japan Society of Oregon, the President of the Japanese Ancestral Society, the Japanese Consul, and 12 persons appointed by the Mayor. All appointments shall be by the Mayor for 3-year terms, provided, when an interim vacancy occurs the appointment shall be to fill the unexpired term of the position vacated. All members shall serve without compensation.

3.68.020 Powers and Duties.

It shall be the duty of the Commission to formulate and submit to the City Council plans for the establishment, maintenance, improvement and promotion of a formal Japanese garden. The Commission shall submit to the Council, not less than every 6 months, a report of its progress and recommendations. The Commission may form subcommittees, appoint unpaid advisors, hold public hearings, encourage the interest of other organizations in its objectives, and engage in similar activities which in its judgment may assist it in making recommendations and promoting the plan, establishment, maintenance and improvement of a formal Japanese garden that will be an attraction enjoyed by the people of Portland and their guests.

3.68.030 Meetings.

Each year an annual meeting shall be held. Each Commission member shall serve until the annual meeting of the year in which his term expires, or thereafter until his successor is appointed and qualified. Not less than three interim meetings shall be held each year in addition to the annual meeting. The Chairman of the Commission shall designate the time and place of the annual and interim meetings and the Secretary of the Commission shall give not less than 5 days advance notice thereof to each Commission member.

3.68.040 Officers.

A Chairman, Vice Chairman and Secretary shall be elected at each annual meeting of the Commission from among its members. All Commission officers shall serve until the annual meeting next following their election, or thereafter until a successor is elected.

3.68.050 Rules - Quorum.

Rules of procedures may be adopted and amended only upon an affirmative vote of eight or more Commission members. Election of officers, removal of members, and regular business of the Commission shall be passed upon by the majority of a quorum. Not less than eight members shall constitute a quorum. Each member shall be entitled to one vote.

3.68.060 Vacancy - Removal.

Death, resignation, removal or inability to serve shall constitute a vacancy in the Commission. The Commission may remove any member for cause. Unexcused absence from four consecutive Commission meetings shall constitute cause for removal.

**TITLE 3
ADMINISTRATION**

Chapter 3.70

**PITTOCK MANSION ADVISORY
COMMISSION**

Sections:

- 3.70.010 Created - Terms.
- 3.70.030 Special Committees and Services.
- 3.70.050 Officers.
- 3.70.060 Rules - Quorum.
- 3.70.070 Vacancy.

3.70.010 Created - Terms.

There hereby is created a Pittock Mansion Advisory Commission for the City, to which the Mayor, Commissioner In Charge of the Bureau of Parks, and Superintendent of Parks shall be ex officio members. The Commission shall otherwise consist of nine members appointed by the Mayor. The Mayor shall initially appoint two members for 1 year, three members for 2 years, two members for 3 years, and two members for 4 years. Thereafter all appointments shall be by the Mayor for 4-year terms, provided, when an interim vacancy occurs the appointment shall be to fill the unexpired term of the position vacated. All members shall serve without compensation. The term of each such appointment shall be extended as necessary so that the term ends November 1.

3.70.020 Powers and Duties.

(Amended by Ordinance No. 154194; repealed by Ordinance No. 167733, effective June 1, 1994.)

3.70.030 Special Committees and Services.

Upon request of the Commission, the Mayor may appoint one or more special committees to serve the Commission in an advisory capacity. Secretarial services and office requirements shall be furnished to the Commission by the Bureau of Parks.

3.70.040 Meetings.

(Amended by Ordinance No. 154194; repealed by Ordinance No. 167733, effective June 1, 1994.)

3.70.050 Officers.

Officers of the Commission shall consist of a Chairman, Vice Chairman, Secretary and Treasurer, elected from its membership at the organizational meeting and at each annual

meeting thereafter. All Commission officers shall serve until the annual meeting next following their election or thereafter until a successor is elected.

3.70.060 Rules - Quorum.

Rules of procedure may be adopted and amended only upon an affirmative vote of six or more Commission members. Election of officers, removal of members, and regular business of the Commission shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote.

3.70.070 Vacancy.

Death, resignation, removal or inability to serve shall constitute a vacancy in the Commission. The Commission may remove any member for cause. Unexcused absence from four consecutive Commission meetings shall constitute cause for removal.

Chapter 3.71

ENVIRONMENTAL COMMISSION

(Chapter added by Ordinance No. 164432;
repealed by Ordinance No. 167239,
effective December 29, 1993.)

**TITLE 3
ADMINISTRATION**

Chapter 3.72

COMMITTEE ON CLAIMS

Sections:

- 3.72.010 Created - Members - Meetings.
- 3.72.020 Presentation of Claims.
- 3.72.030 Consideration of Claims Not Covered by Insurance.

3.72.010 Created - Members - Meetings.

(Amended by Ordinance Nos. 132014 and 163439, effective Sept. 5, 1990.)

- A. Created. A Committee to be known as the “Committee on Claims” is hereby created for the purpose of considering fair and moral claims against the City not covered by insurance and making recommendations concerning the claims to the City Council.
- B. Members. This Committee shall consist of two members of the City Council appointed by the Mayor, one of whom shall be designated Chairman, and the City Auditor. The Risk Manager shall meet with the Committee, without power of vote, and serve as Secretary.
- C. Meetings. The Committee shall meet at times designated by the Chairman.

3.72.020 Presentation of Claims.

(Amended by Ordinance No. 163439, effective Sept. 5, 1990.) All fair and moral claims against the City shall be presented to the Risk Manager. Presentation to the Risk Manager shall for all legal purposes be regarded as presentment to the Council of the City. Nothing contained herein shall be construed as repealing or modifying any of the provisions of Sections 1-106 and 1-107 of the Charter.

3.72.030 Consideration of Claims Not Covered by Insurance.

(Amended by Ordinance No. 163439, effective Sept. 5, 1990.) The Risk Manager shall investigate and process all fair and moral claims against the City. The Risk manager shall present to the meeting of the Committee on Claims all facts and evidence gathered. The Committee shall make a recommendation on all claims presented and the same shall be transmitted to the Council for their consideration and final decision.

3.72.040 Claims Covered by Insurance.

(Repealed by Ordinance No. 163439, effective Sept. 5, 1990.)

Chapter 3.74

OATHS OF OFFICE

Sections:

- 3.74.010 Persons Required to Take Oath.
- 3.74.020 Form of Oath for Mayor, Commissioner and Auditor.
- 3.74.030 Form of Oath for Other Officer or Employee.

3.74.010 Persons Required to Take Oath.

(Amended by Ordinance No. 180917, effective May 26, 2007.) Each of the following employees shall be required to take an oath of office before entering upon the discharge of his duties, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the Auditor;

- A. Every officer and member of the Bureau of Police, including private, special, temporary, and substitute policemen;
- B. Each officer and member of Portland Fire & Rescue serving on full time and devoting his labor exclusively to the interests of the City; and
- C. Each elected or appointed officer or deputy of the City, including members of boards and commissions.

3.74.020 Form of Oath for Mayor, Commissioner, and Auditor.

(Amended by Ordinance No. 168343, effective Jan. 7, 1995.) The form of oath to be taken by the elected officials of the City before entering upon the discharge of their duties shall be substantially as follows:

State of Oregon)
County of Multnomah) ss.
City of Portland)

I , (name), do solemnly (affirm or swear) I will support the Constitutions of the United States and the State of Oregon; Charter of the City of Portland and its laws; I will faithfully, honestly and ethically perform my duties as (Mayor/Commissioner/Auditor); I have no undisclosed financial interest in any business located in Portland or having contracts with the City; I hold no other office or position of profit; and I am not a member of any partisan political committee (; so help me God).

Subscribed and sworn to before me this _____ day of _____, 20_____.

Auditor of the City
of Portland, Oregon

Deputy

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The oath of the Auditor shall be administered by a person having statutory authority under the laws of Oregon to administer oaths.

3.74.030 Form of Oath for Other Officer or Employee.

(Amended by Ordinance Nos. 139501 and 168343, effective January 7, 1995.) The form of oath to be taken by appointed City officials shall be substantially as follows:

I, (name), do solemnly affirm I will support the Constitutions of the United States and of the State of Oregon, the Charter of the City of Portland and its laws; I will faithfully, honestly and ethically perform my duties as (office) during my continuance therein.

The wording of the oath may vary, as officials are sworn according to the ceremonies of their own religion or in such manner as each deems binding on his or her conscience.

The oath may be administered by the Auditor, deputy auditor, a notary public, or a magistrate of any court of record in the United States, within their respective jurisdictions. Whenever the oath is administered by a person other than the Auditor or deputy, the credentials of the person administering the oath shall appear thereon, and the oath shall be sent immediately to the Auditor, who shall attest to receipt of the oath.

Chapter 3.76

PUBLIC RECORDS

(Chapter replaced by Ordinance No. 182637,
effective May 1, 2009.)

Sections:

- 3.76.010 Definitions.
- 3.76.020 Purpose.
- 3.76.030 Archives and Records Management Program Creation and Administration.
- 3.76.040 Authority and Duties of the Archives and Records Management Program.
- 3.76.050 Duties of Elected Officials and the Managers of City Agencies.
- 3.76.060 Care of Records.
- 3.76.070 Destruction of Records.
- 3.76.080 Use of Copies.
- 3.76.090 Public Access to Records.

3.76.010 Definitions.

In this Chapter, unless the context otherwise requires:

- A. **“Agency”** means a department, bureau, office, commission, board, public corporation or other organizational unit created by the Council of the City of Portland.
- B. **“Record”** or **“City record”** means any recorded information, regardless of physical form or characteristic, prepared, owned, used or retained in connection with the transaction of official business and preserved or appropriate for preservation by an agency as evidence of the organization, function, policies, decisions, procedures, operations or other activities of the City of Portland or because of the informational value in it. The term does not include library and museum material developed or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved solely for convenience of reference, or stocks of publications. These records are public property, subject to Oregon Public Records Law and to the records management requirements established by this Code.

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3.76.020 Purpose.

The purpose of this Chapter is to provide for the orderly management and care of current City records and to preserve non-current City records of permanent value for administrative, legal, and research purposes.

3.76.030 Archives and Records Management Program Creation and Administration.

The City Auditor shall maintain a professional Archives and Records Management Program for the City, and shall be responsible for the maintenance of all City records. The City Auditor shall be the custodian for all permanent records for which an agency has transferred ownership to the Auditor and for all historical records.

3.76.040 Authority and Duties of the Archives and Records Management Program.

The Archives and Records Management Program shall:

- A.** Operate the program and the Archives and Records Center facility in accordance with currently accepted archives and records management professional standards;
- B.** Acquire, receive, appraise and secure records of permanent value from agencies of the City of Portland when those records are no longer necessary for conducting current business;
- C.** Acquire, receive, appraise, and secure all records for areas annexed by the City from a county or special district or from a defunct agency of the City of Portland;
- D.** Negotiate for the acquisition and return of City records which have been removed from its possession;
- E.** Secure transfer of records to the Archives when it has been determined that the records are stored under conditions that do not meet the standards established by Archives and Records Management;
- F.** Maintain inventories, indexes, catalogs, and other finding aids or guides to facilitate access to the City Archives;
- G.** Analyze, develop and provide written standards and procedures for the care and maintenance of City records, including those created and/or maintained in electronic format;
- H.** Establish minimum recordkeeping requirements for business systems or applications that maintain official City records;
- I.** Provide access, as defined by State law and City policies, to the records within Archives and Records Management's custodianship;

- J.** Establish procedures for City agencies regarding the identification, segregation, and protection of records vital to continuing operations to comply with the City's emergency preparedness policies;
- K.** Establish standards for City agencies with regard to the appropriate use of record media, accounting for cost, access and preservation;
- L.** Establish procedures for the preparation of records inventories and descriptions; develop records retention schedules for review by the City Auditor and City Attorney and which meet the requirements of Oregon Administrative Rules;
- M.** Establish procedures for the prompt and orderly disposition of City records for which the state archivist has granted authority to destroy because they no longer possess administrative, legal, or research value to warrant their retention;
- N.** Provide training to City agencies and employees on all aspects of records management.

3.76.050 Duties of Elected Officials and the Managers of City Agencies.

Each City elected official and agency manager shall:

- A.** Make and preserve records containing adequate documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency which are designed to furnish the information necessary to protect the legal and financial rights of the City and of persons directly affected by the agency's activities;
- B.** Ensure staff compliance with City records policies and procedures established by Archives and Records Management;
- C.** Work with Archives and Records Management to develop and review records retention schedules for records maintained by the agency;
- D.** Inform Archives and Records Management of any regulatory changes affecting record retention, maintenance or access requirements;
- E.** Notify Archives and Records Management of any program changes that may affect the management of City records, including but not limited to: new agency responsibilities; records that are no longer being created; changes to records maintenance practices;

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- F.** Follow established procedures to identify, segregate and protect records vital to the continuing operation of an agency in the event of natural or man-made disaster;
- G.** Ensure that at least one copy of each report, document, study, publication or consultant report prepared at City expense be deposited with the Archives;
- H.** Notify the Archives of records older than 25 years in the agency's possession; transfer control of original records upon notification from the Archives;
- I.** Establish safeguards against unauthorized or unlawful removal, loss or destruction of City records;
- J.** Ensure that City records are maintained in a manner that meets guidelines set by Archives and Records Management for security and environment;
- K.** Designate a management level employee to act as a liaison between the agency and Archives and Records Management on all matters relating to the archives and records management program.

3.76.060 Care of Records.

Records of the City of Portland shall be managed according to the provisions of Oregon Revised Statutes, Oregon Administrative Rules and of this Chapter.

3.76.070 Destruction of Records.

City records covered by a records retention schedule shall be destroyed according to the parameters set forth in the retention schedule. In general, records shall not be retained beyond their prescribed retention.

3.76.080 Use of Copies.

- A.** A public officer performing duties under this Chapter is authorized to copy in any manner which produces a permanent, clear, accurate and durable reproduction of the original record. An original City record which is worn or damaged may be replaced by a reproduction made in accordance with this Chapter. Certification by the City Auditor, City Attorney, Archives and Records Management, or by the agency having custody of the record that the replacement is a true and correct copy of the original shall appear at the end of the reproduction. When original City records are reproduced and placed in conveniently accessible files and provisions are made for preserving and using them for the duration of their legally mandated retention, the originals from which they were made may be destroyed.
- B.** Reproduction or replacement of City records made under this Chapter are admissible in evidence as primary evidence of the original writing.

3.76.090 Public Access to Records.

All City records, except for those exempted by law, are available for inspection and copying by the public. The City may require that records use occur during certain business hours and at specified locations, and may charge fees to recover the cost of retrieval and copying.

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Chapter 3.77

OFFICE OF THE OMBUDSMAN

(Chapter added by Ordinance No. 175568,
effective July 1, 2001.)

Sections:

- 3.77.010 Purpose.
- 3.77.020 Definitions.
- 3.77.030 Office of the Ombudsman.
- 3.77.040 Ombudsman Selection.
- 3.77.050 Qualifications and Prohibitions.
- 3.77.060 Reserved.
- 3.77.070 Removal.
- 3.77.080 Staff and delegation.
- 3.77.090 Reserved.
- 3.77.100 Office Facilities and Administration.
- 3.77.110 Powers and Duties.
- 3.77.120 Investigations of Complaints.
- 3.77.130 Communications with Agency.
- 3.77.140 Communications with Complainant.
- 3.77.150 Procedure after Investigation.
- 3.77.160 Informing Citizens.
- 3.77.170 Reports.
- 3.77.180 Reserved.
- 3.77.190 Duty to Cooperate.
- 3.77.200 Ombudsman Immunities.
- 3.77.210 Reprisals Prohibited.
- 3.77.220 Relationship to Other Laws.
- 3.77.230 Effective Date.

3.77.010 Purpose.

The City hereby establishes, in addition to other remedies or rights of appeal, an independent, impartial office, readily available to the public, responsible to the City Auditor, empowered to investigate the administrative acts of city agencies and to recommend appropriate changes toward the goals of safeguarding the rights of persons and of promoting higher standards of competency, efficiency and justice in the provision of city services. This office shall be known as the Office of the Ombudsman.

3.77.020 Definitions.

In this chapter:

- A. "Administrative act" means an action, failure to act, omission, decision, recommendation, practice, policy or procedure.
- B. "Agent or agency" includes any bureau, office, institution, corporation, authority, board, commission, committee of the city, and any officer, employee, or member of the foregoing entities acting or purporting to act in the exercise of their official duties. EXCEPTING: elected officials and their personal staff.
- C. "City Auditor" refers to the elected City Auditor.
- D. "City" refers to the City of Portland.
- E. "City Council" refers to the City's legislative body comprised of five elected officials, the Mayor, and four City Commissioners.
- F. "Ombudsman" means the public official appointed by the City Auditor to receive and investigate citizen complaints against administrative acts of City government.
- G. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them;
- H. "Record" means all records, documents, books, papers, files, photographs, microfilms, sound recordings, video recordings, magnetic storage media, computer data and all other materials, regardless of physical form or characteristics, created, generated, recorded, received, possessed or controlled by or on behalf of any agency.
- I. "State" refers to the State of Oregon.

3.77.030 Office of the Ombudsman.

There is established by the City Council the Office of Ombudsman.

3.77.040 Ombudsman Selection.

The City Auditor shall select the Ombudsman in accordance with any applicable civil service regulations and other laws.

3.77.050 Qualifications and Prohibitions.

- A. The Ombudsman shall be a person of recognized judgment, objectivity and integrity who is well-equipped to analyze problems pertaining to City regulations,

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administration, and public policy, and shall have a working knowledge in local government commensurate to the powers and duties of the office. The Ombudsman shall be a registered voter of the United States, and shall hold a degree from an accredited college/university, or its equivalent in service to local government.

- B.** No person may serve as Ombudsman while engaged in any other occupation, business, or profession likely to detract from the full-time performance of his or her duties as Ombudsman or to result in a conflict of interest or an appearance of impropriety or partiality. All laws and requirements generally applicable to public employees are applicable to the Ombudsman.

3.77.060 Reserved.

3.77.070 Removal.

- A.** The Ombudsman may be removed from office during his or her term by the City Auditor.
- B.** If the position becomes vacant for any reason, the Deputy Ombudsman shall serve as acting Ombudsman until a new Ombudsman has been appointed.

3.77.080 Staff and Delegation.

- A.** The Ombudsman may appoint a deputy who is accountable to the Ombudsman and other personnel necessary to carry out the provisions of this chapter, when in keeping within the adopted budget for the Ombudsman's Office.
- B.** The Ombudsman may delegate to his or her staff members any of his or her duties, unless otherwise specified in this chapter.
- C.** The deputy shall succeed to all duties and responsibilities of the Ombudsman, including those specified by ordinance, when he or she is serving as the acting Ombudsman.

3.77.090 Reserved.

3.77.100 Office Facilities and Administration.

- A.** The City shall provide suitable office facilities for the Ombudsman and staff in a location convenient for the public.
- B.** The Ombudsman shall annually recommend a budget proposal for submission to the City Auditor, who shall in turn include it in the Auditor's budget submission to the Mayor and City Council.

- C. The Ombudsman shall be located within the City Auditor's office, and be accountable to the City Auditor. The Ombudsman shall have sole discretion in choosing consultants to assist with investigations, and in hiring staff. All administrators shall retain the authority to deny any request which is otherwise contrary to ordinance or which exceeds the city council-adopted budget for the office.

3.77.110 Powers and Duties.

The Ombudsman's powers and duties include, but are not limited to the following:

- A. To investigate, on complaint or on the Ombudsman's own initiative, any administrative act of an agency, without regard to the finality of the administrative act, if he or she reasonably believes that it is an appropriate subject for review;
- B. To undertake, participate in or cooperate with persons and agencies in such general studies, conferences, inquiries, meetings, or studies which might improve the functioning of agencies or lessen the risks that objectionable administrative acts will occur;
- C. To make such inquiries and obtain such reasonable assistance and information from any agency or person as the Ombudsman shall require for the discharge of the Ombudsman's duties; and he or she may without prior notice enter and inspect the premises of any agency. Agencies shall not restrict the Ombudsman's access to agency personnel;
- D. Notwithstanding any other provision of city law, to have access to and to examine and copy, without payment of a fee, any agency records, including records which are confidential by city law, subject to any applicable state or federal laws. Except, the Ombudsman shall not have access to legally privileged documents held by the City Attorney or Attorney-Client communications held by the City Attorney clients. The Ombudsman shall not disclose confidential records and shall be subject to the same penalties as the legal custodian of the records for any unlawful or unauthorized disclosure;
- E. To request any person or agency to give sworn testimony or to produce documentary or other evidence that is reasonably relevant to the matters under investigation;
- F. To maintain confidential any matter related to complaints and investigations to the extent allowable by law, except as the Ombudsman deems necessary to discharge the Ombudsman's duties or as directed by the District Attorney pursuant to a public records request;

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- G.** To take appropriate measures to enforce the provisions of this chapter, including issuing reports, submitting recommendations, or seeking Council authorization for legal recourse if necessary to carry out the duties of the Ombudsman Office;
- H.** To adopt, promulgate, amend and rescind rules and regulations required for the discharge of the Ombudsman's duties, including policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings, conclusions and recommendations. However, the Ombudsman may not levy any fees for the submission or investigation of complaints;
- I.** To insure that a budget for the Office of the Ombudsman is well prepared and administered.

3.77.120 Investigations of Complaints.

- A.** The Ombudsman shall receive complaints from any source concerning any administrative act. He or she may conduct a suitable investigation of a complaint that is an appropriate subject for investigation. An appropriate subject for investigation by the Ombudsman includes any administrative act that the Ombudsman believes might be:
 - 1.** contrary to, law, regulation or agency practice;
 - 2.** unreasonable, unfair, oppressive, arbitrary, an abuse of discretion, or unnecessarily discriminatory even though in accordance with law;
 - 3.** based on mistaken facts or irrelevant considerations;
 - 4.** unclear or not adequately explained;
 - 5.** performed in an inefficient or discourteous manner;
 - 6.** otherwise erroneous or objectionable.
- B.** The Ombudsman, at the Ombudsman's discretion, may decide not to investigate a complaint because:
 - 1.** the complainant could reasonably be expected to use, or is using, another remedy or channel, or tort claim, for the grievance stated in the complaint;
 - 2.** the complaint relates to a matter that is outside the jurisdiction of the Ombudsman;
 - 3.** the complaint has been too long delayed to justify present examination;

4. the complainant does not have a sufficient personal interest in, or is not personally aggrieved by, the subject matter of the complaint;
 5. the complaint is trivial, frivolous, vexatious or not made in good faith;
 6. the resources of the Ombudsman's Office are insufficient for adequate investigation;
 7. other complaints are more worthy of attention.
- C. The Ombudsman shall not investigate matters currently in litigation; covered by collective bargaining agreement grievance procedures; or, employee or applicant discrimination complaints.
- D. The Ombudsman's declining to investigate a complaint shall not bar the Ombudsman from proceeding on his or her own initiative to investigate an administrative act whether or not included in the complaint.
- E. The Ombudsman shall protect the confidentiality of complainants or witnesses coming before him or her consistent with the requirements of the Oregon Public Records Law, except insofar as disclosures may be necessary to enable the Ombudsman to carry out his or her duties or the disclosure of records is directed by the District Attorney. (See Subsection 3.77.110 F.)
- F. The Ombudsman shall have the authority to pursue administrative review of responses to complaints through higher authorities within the City.

3.77.130 Communications with Agency.

- A. The Ombudsman may make recommendations to an agency for the resolution of complaints and inquiries in accordance with this chapter.
- B. In seeking a resolution to a complaint or inquiry the Ombudsman may draw the matter to the attention of any bureau head or division manager, the City Auditor, Mayor, City Commissioner, or the public.
- C. Before formally issuing a report with a conclusion or recommendation that is significantly critical or adverse to an agency, the Ombudsman shall have consulted with that agency and permitted the agency reasonable opportunity to reply. The Ombudsman may require an agency to notify him or her within a reasonable specified time of any action taken on a conclusion or recommendation. The Ombudsman will provide the opportunity to include with a final report a brief statement by the agency.

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3.77.140 Communications with Complainant.

- A. After the Ombudsman has decided whether or not to investigate a complaint, the Ombudsman shall inform the complainant.
- B. The Ombudsman shall, if requested by the complainant, report the status of his or her investigation to the complainant.
- C. After investigation of a complaint, the Ombudsman shall inform the complainant of his or her conclusion or recommendation and, if appropriate, any action taken or to be taken by the agency involved.

3.77.150 Procedure after Investigation.

- A. If, after investigation, the Ombudsman is of the opinion that an agency should:
 - 1. consider the matter further,
 - 2. modify or cancel an act,
 - 3. alter a regulation, ruling, practice, policy or procedure;
 - 4. explain more fully the act in question,
 - 5. rectify an omission, or take any other action,

the Ombudsman shall state any conclusions, recommendations and reasons therefor to the agency. If the Ombudsman so requests, the agency shall, within the time specified, inform the Ombudsman about the action taken on recommendations or the reasons for not implementing them.

- B. After a reasonable period of time has elapsed, the Ombudsman may issue his or her final conclusions or recommendations to the Auditor, the Mayor and City Commissioners, a grand jury, the public, or any other appropriate authority. The Ombudsman shall include any brief statement the agency may provide if an opportunity to reply is required by this Chapter.
- C. If the Ombudsman believes that an action has been dictated by laws whose results are unfair or otherwise objectionable, and could be revised by City Council action, the Ombudsman shall notify the City Council and the agency of a desirable statutory change.

- D.** If the Ombudsman believes that any agency official or employee has acted in a manner warranting criminal or disciplinary proceedings, the Ombudsman shall refer the matter to the appropriate authorities without notice to that person.

3.77.160 Informing Citizens.

The Ombudsman shall post notices or use other appropriate means to inform citizens of their rights, protections, and availability of services provided for under this Chapter. These notices may include posted notices in public areas; or, electronic postings or links through Internet web sites, including the City web site. Nothing in this section is to be construed as repealing any other provisions of contract, ordinance or law.

3.77.170 Reports.

The Ombudsman may from time to time and shall annually report his or her activities to the Auditor and City Council, or any of its committees, to the public and, in the Ombudsman's discretion, to agencies.

3.77.180 Reserved.

3.77.190 Duty to Cooperate.

City employees shall cooperate with the Ombudsman in the exercise of his or her powers, and shall not mislead or attempt to mislead an Ombudsman's inquiry.

3.77.200 Ombudsman Immunities.

To the extent allowable by law, the Ombudsman and staff shall not be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of their official duties except as may be necessary to enforce this Chapter.

3.77.210 Reprisals Prohibited.

No person who files a complaint or participates in any investigation or proceeding pursuant to this chapter shall be subject to any penalties, sanctions or restrictions in connection with his or her employment or be denied any right, privilege, or benefit because of such action.

3.77.220 Relationship to Other Laws

The provisions of this Chapter are in addition to and do not in any manner limit or affect any other provisions of law under which any remedy or right of appeal is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter. The powers conferred on the Ombudsman may be exercised notwithstanding any provision of law to the effect that any administrative action shall be final or unappealable.

3.77.230 Effective Date

This Act shall take effect on July 1, 2001.

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Chapter 3.78

**ACQUISITION OF COUNTY PROPERTY
FOR PARK PURPOSES**

Sections:

- 3.78.010 Authorization for Payment.
- 3.78.020 Title Reports.
- 3.78.030 Clearing of Title.
- 3.78.040 Retaining Property with Cloud on Title.

3.78.010 Authorization for Payment.

(Amended by Ordinance No. 173369, effective May 12, 1999.) In all cases, past, present or future, in which an ordinance provides for the acquisition of park property from Multnomah County and where Multnomah County does not furnish an abstract or title insurance, the City Auditor is hereby authorized to draw and deliver a check in favor of Multnomah County for the amount to be paid for the deed from the county unless such ordinance indicates specifically a purpose to disregard this Chapter and thereupon the Auditor shall submit the matter to the City Attorney.

3.78.020 Title Reports.

The City Attorney hereby is authorized to obtain a policy of title insurance covering any particular parcel or parcels of property purchased in the past or in the future from Multnomah County for park and playground purposes. The expense of such title reports shall be chargeable to the public recreational areas fund.

3.78.030 Clearing of Title.

The City Attorney hereby is authorized to initiate and prosecute whatever legal action is necessary in his opinion to clear the title to any property covered by this Chapter and in any case, past, present or future, where he deems it necessary. Any expense incident thereto shall be chargeable to the public recreational areas fund.

3.78.040 Retaining Property with Cloud on Title.

Authority is hereby granted to accept and retain any property covered by this Chapter that has cloud on the title when and if the City Attorney renders an opinion that such cloud on title is not be deemed in imminent hazard.

Chapter 3.80

SPECIAL PERMITS

Sections:

- 3.80.010 Operations to Cease Upon Expiration of Permit.
- 3.80.020 Use of Park Property for Private Gardening Purposes.

3.80.010 Operations to Cease Upon Expiration of Permit.

It is unlawful for any person, who has been granted a special permit, whether under any special code or not, to continue to operate under the terms of the permit after the date on which the special permit, by its terms, expires. All persons to whom such a special permit has been granted by the Council shall come within the terms of this provision and comply herewith immediately after the expiration of the special permit by ceasing the operations allowed under the terms of the special permit.

3.80.020 Use of Park Property for Private Gardening Purposes.

Park property not needed by the City for development may be used by private parties for gardening purposes by obtaining a special permit. The bureau of parks is authorized to issue revocable permits for such purpose and shall impose such conditions as are necessary and advisable to protect the interests of the City.

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Chapter 3.82

OFFICER AND EMPLOYEE BONDS

Sections:

- 3.82.010 Exceptions.
- 3.82.020 Bond of the City Treasurer.
- 3.82.030 City Auditor's Bond.

3.82.010 Exceptions.

All officers and employees, including the City Auditor, but not including the Mayor and City Commissioners, shall furnish a bond or bonds protecting the City against dishonesty, which bond or bonds shall be in the amount of \$10,000 per employee, with a further bond or bonds written as excess in the amount of \$40,000 per employee. Such bond or bonds shall run to the City, and the premium shall be paid by the City.

3.82.020 Bond of the City Treasurer.

The City Treasurer shall furnish a bond conditioned upon the faithful performance of his duties in the sum of \$100,000, which bond shall run to the City and the premium shall be paid by the City.

3.82.030 City Auditor's Bond.

The Auditor of the City shall furnish, in addition to the honesty bond provided above, a faithful performance bond in the sum of \$50,000, conditioned upon the faithful performance of his duties, which bond shall run to the City and the premium shall be paid by the City.

Chapter 3.84

**CITY OWNED MOTOR VEHICLE
ACCIDENT REPORTS**

Sections:

- 3.84.010 Filing of Accident Report.
- 3.84.020 Form of Report.
- 3.84.030 Repair Shop Report.
- 3.84.040 Repair.
- 3.84.050 Billing of Charges.

3.84.010 Filing of Accident Report.

(Amended by Ordinance No. 165594, effective July 8, 1992.) In addition to the requirements of ORS 813, accident reports shall be filed:

- A. Whenever any motor vehicle belonging to the City, whether being operated by a City employee or not, becomes involved in an accident resulting in injury or death to any person or damage to the City vehicle or property of another, the operator of the City vehicle or the person to whom the vehicle is assigned or chargeable, shall, not later than the next normal day of business following the date of the accident, forward a complete written report of such accident, in triplicate, to the Bureau of Property Control upon forms furnished by the City. The Property Control Officer shall forward one copy of every report so filed, to the office of the City Attorney not later than the next normal day of business following the day of the filing;
- B. Whenever the original report and duplicate is insufficient in the opinion of the Property Control Officer of the City Attorney, supplemental reports of accidents may be required of the person or persons chargeable therefor;
- C. Whenever the driver of a vehicle involved in an accident is injured thereby so as to be incapable of making a required accident report and there was another City employee occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause the report to be made.

3.84.020 Form of Report.

The Bureau of Property Control shall prepare or otherwise provide, and upon request supply to the various departments and bureaus of the City, forms for accident reports required in Section 3.84.010. The report shall call for sufficiently detailed information to

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disclose with reference to an accident involving a City owned motor vehicle, the cause, conditions then existing, and the persons and property involved.

3.84.030 Repair Shop Report.

The person in charge of the bureau repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident, shall report in writing to the Bureau of Property Control not later than the next normal day of business after such motor vehicle is received, giving the City property number of such vehicle, department, and a general description of the damage.

3.84.040 Repair.

Every City owned motor vehicle damaged as defined in the subdivision (1) of Section 3.84.010 shall be removed to the municipal shop for repairs as soon as conveniently possible following the accident, but in no event more than 7 days thereafter; provided, however:

- A.** That no vehicle shall be repaired without prior authorization of the Commissioner In Charge of the bureau to which the vehicle is assigned, or his authorized representative, except in the event of emergency whereupon the said Commissioner shall be notified within 72 hours of all such work done; and
- B.** In no event shall any vehicle be repaired by other than a City owned and operated repair shop unless and until the Purchasing Agent of the City shall have first obtained at least three independent estimates of cost of repair, and in such event the repair work shall be awarded to the lowest responsible bidder.

3.84.050 Billing of Charges.

No request for billing of charges for repair of motor vehicles damaged as defined in this Chapter shall be forwarded to the Auditor as in Section 5.48.040 provided, until the validity thereof based upon determination of liability shall have first been approved by the City Attorney.

Chapter 3.86

GOLF ADVISORY COMMITTEE

(Chapter added by Ordinance No. 133195,
effective September 20, 1971.)

Sections:

- 3.86.010 Created - Organization.
- 3.86.020 Procedure and Rules.
- 3.86.030 Duties.

3.86.010 Created - Organization.

(Amended by Ordinance Nos. 169770, 178253 and 178935, effective December 8, 2004.)
There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Parks to be known as the Golf Advisory Committee, consisting of ten voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years. The Commissioner In Charge or his/her representative shall be an ex officio member of the Committee.

3.86.020 Procedure and Rules.

(Amended by Ordinance No. 169770, effective Mar. 8, 1996.) The Golf Advisory Committee shall establish operating rules, bylaws, and procedures for all matters for consideration or action by the Committee, subject to the approval of the City Attorney. The Committee shall hold meetings at such time as is set by the body and at any other time at the call of the Committee Chair.

3.86.030 Duties.

(Amended by Ordinance No. 169770, effective Mar. 8, 1996.) The Golf Advisory Committee duties shall include, but not be limited to advising the Commissioner-In-Charge regarding the following areas: Golf Program budget review, review of the golf Program's Capital Improvement Program; review of golf concession contracts and proposals; review of the development, and monitoring of, the Golf Program's Strategic Plan, the marketing of the municipal Golf System; maximization and use of Golf System revenue. The Committee shall make an annual written report to the Commissioner-In-Charge, and to the Council.

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Chapter 3.88

INVESTMENT ADVISORY COMMITTEE

(Chapter added by Ordinance No. 135093;
amended by 143470 and 151419,
effective April 16, 1981.)

Sections:

- 3.88.010 Created - Organization.
- 3.88.020 Procedure and Rules.
- 3.88.030 Duties.

3.88.010 Created - Organization.

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) There hereby is created an advisory committee to the Commissioner In Charge, the Director of the Office of Management and Finance and the city Treasurer to be known as the Investment Advisory Committee. The Committee shall consist of a minimum of three public members who shall serve without compensation. The Commissioner In Charge, with approval by the Council, shall appoint the public members of the Committee to serve for 2-year terms that are renewable. The Dept Manager shall be an ex officio member of the Committee. In case of the resignation, death or inability to serve of any member, the Commissioner may appoint a successor to serve out the unexpired term subject to approval by the Council.

3.88.020 Procedure and Rules.

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) The Investment Advisory Committee shall establish its own rules, bylaws and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold at least three meetings per year at such times as is set by the body and at any other time at the call of the Chair. The Office of Management and Finance shall provide clerical staff.

3.88.030 Duties.

(Amended by Ordinance Nos. 167877 and 181483, effective January 18, 2008.) The Investment Advisory Committee shall advise the Commissioner In Charge, the Director of the Office of Management and Finance, the City Council and the City Treasurer of the City on: investment policies and investment practices of the City; maximum bank balances to be maintained by the City; and such other investment matters as the Commissioner in Charge of the Office of Management and Finance, the City Council or the Director of the Office of Management and Finance may request.

Chapter 3.90

OFFICE OF MANAGEMENT SERVICES

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.92

BUREAU OF HUMAN RESOURCES

(Chapter repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.94

**OFFICE OF PLANNING AND
DEVELOPMENT**

(Chapter amended by Ordinance No. 147789
effective June 23, 1979 through June 30, 1982.)

Chapter 3.95

**BUREAU OF ECONOMIC
DEVELOPMENT**

(Chapter repealed by Ordinance No. 173369,
effective May 12, 1999.)

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Chapter 3.96

**OFFICE OF NEIGHBORHOOD
INVOLVEMENT**

(Chapter replaced by Ordinance No. 179418,
effective August 12, 2005.)

Sections:

- 3.96.010 Purpose.
- 3.96.020 Definitions.
- 3.96.030 Neighborhood Associations.
- 3.96.040 Functions of District Coalitions.
- 3.96.050 Responsibility of City Agencies.
- 3.96.060 Responsibilities of the Office of Neighborhood Involvement.

3.96.010 Purpose.

This chapter creates a framework by which the people of the City of Portland may effectively participate in civic affairs and work to improve the livability and character of their Neighborhoods and the City. This Chapter sets out the basis for City recognition of Neighborhood Associations, District Coalitions, and the responsibilities and benefits accruing thereto. This chapter also sets out the basis for city acknowledgement of Business District Associations and the responsibilities accruing thereto. This chapter also creates the Office of Neighborhood Involvement and sets out its functions, duties and responsibilities. Nothing in this Chapter shall limit the right of any person or group to participate directly in the decision making processes of the City Council or of any City agency.

3.96.020 Definitions.

As used in this Chapter the following terms have the meanings given them in this Section.

- A. Neighborhood:** A geographically contiguous self-selected community.
- B. Neighborhood Association:** An autonomous organization formed by people for the purpose of considering and acting on issues affecting the livability and quality of their Neighborhood, formally recognized by the Office of Neighborhood Involvement, and subject to Chapter 3.96.

- C. District Coalition:** An organization which supports participation services for Neighborhood Associations and everyone within a geographically defined area, and is subject to Chapter 3.96.

 - 1. Non-Profit District Coalition:** An independent non-profit corporation directed by a board which is primarily composed of representatives from its member Neighborhood Associations.
 - 2. City--Staffed District Coalition:** An office partially or fully staffed by City personnel to provide neighborhood services as advised by the participating Neighborhood Associations.
- D. Business District Association:** An autonomous non-profit organization with membership guidelines in its bylaws formed by people in business within a defined geographic boundary for the purpose of promoting the general well-being of their business community. A Business District Association is subject to Chapter 3.96.
- E. Office of Neighborhood Involvement:** An agency of the City of Portland, whose purpose is to facilitate citizen participation and improve communication among citizens, Neighborhood Associations, non-profit District Coalitions/City-staffed District Coalitions, City agencies, and other entities. The Office of Neighborhood Involvement is subject to these Standards.
- F. City agency:** Includes all departments, bureaus, offices, boards and commissions of the City of Portland.
- G. Standards:** Regulations adopted by City Council that govern Neighborhood Associations, District Coalitions, Business District Associations and the Office of Neighborhood Involvement.

3.96.030 Neighborhood Associations.

- A. Minimum Standards for Neighborhood Associations.** To receive and maintain formal recognition, Neighborhood Associations shall meet the Standards for neighborhood public involvement.
- B. Functions of Neighborhood Associations.** A Neighborhood Association may engage in, but is not limited to the following:

 - 1.** Make recommendation(s) concerning a particular action, policy or other matter to any City agency on any topic affecting the livability, safety and economic vitality of the Neighborhood, including but not limited to land use, housing, community facilities, human resources, social and

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ADMINISTRATION**

recreational programs, traffic and transportation, environmental quality and public safety; and,

2. Assist City agencies in determining priority needs of the Neighborhood; and,
3. Review items for inclusion in the City budget and make recommendations relating to budget items for Neighborhood improvement; and,
4. Undertake projects and activities deemed appropriate by the Neighborhood Association; and,
5. Cooperate with other Neighborhood Associations and ONI to create District Coalitions.

C. Responsibilities of Neighborhood Associations.

1. Neighborhood Associations shall abide by the Standards established by the Office of Neighborhood Involvement.
2. Neighborhood Associations shall make a reasonable effort to include affected City agencies in planning activities which affect Neighborhood livability.

D. Benefits to Neighborhood Associations.

1. Any Neighborhood Association meeting the minimum requirements established by 3.96.030, upon request, is entitled to formal recognition and benefits from the Office of Neighborhood Involvement pursuant to the adopted Standards.
2. If a Neighborhood Association fails to meet the minimum requirements of 3.96.030, the Office of Neighborhood Involvement may, pursuant to the adopted Standards, suspend partial or all benefits to that Neighborhood Association and may ultimately revoke formal recognition of that Neighborhood Association.

3.96.040 Functions of District Coalitions.

A District Coalition shall:

- A. Provide training and orientation, information and support services to Neighborhood Associations within the areas of Neighborhood Associations served;

- B.** Facilitate communication between people and government;
- C.** Promote public participation within the areas of Neighborhoods served on issues of livability, safety and public policy;
- D.** Promote, encourage and support the participation of members of diverse communities within the areas of Neighborhoods served;
- E.** Administer contracts or memorandums of understanding and operate the District Coalition in accordance with the adopted Standards; and
- F.** Abide by the Standards established by the Office of Neighborhood Involvement.

3.96.050 Responsibility of City Agencies.

- A.** City agencies shall notify all Neighborhood Associations affected by planning efforts or other actions affecting the livability of the Neighborhood(s).
- B.** City agencies shall include affected Neighborhood Associations and District Coalitions in planning efforts which affect neighborhood livability.
- C.** Notice of pending policy decisions affecting neighborhood livability shall be given to the Neighborhood Association(s) affected at least 30 days prior to final action on the decision by a City agency. If said 30 day period may injure or harm the public health, safety, welfare, or result in a significant financial burden to the City, this notice provision shall not apply.

3.96.060 Responsibilities of the Office of Neighborhood Involvement.

There is hereby established and created an Office of Neighborhood Involvement which shall consist of a Director and such other employees as the Council may from time to time provide. In order to facilitate participation and improved communication between the public, Neighborhood Associations, Business District Associations, District Coalitions and the City, the Office of Neighborhood Involvement shall:

- A.** Assist Neighborhood Associations, District Coalitions and others in planning and developing programs for public involvement, crime prevention, dispute resolution and budget review; and,
- B.** Act as an information clearinghouse and resource to Neighborhood and Business Associations, other groups and the public; and,
- C.** Notify interested persons of meetings, hearings, elections and other public participation events of the Office of Neighborhood Involvement neighborhood system; and,

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- D.** Enter into, monitor, administer contracts, and memorandums of understanding for Neighborhood Associations through District Coalitions; and,
- E.** Promote and facilitate open communication and notification from City agencies to Neighborhood Associations, District Coalitions, and Business District Associations, promote and facilitate communication amongst City agencies about public involvement best practices and policy; and,
- F.** Support and promote public involvement within the Neighborhood Association framework; and,
- G.** Adopt and revise such Standards as are deemed necessary for the implementation of this Chapter and for orderly public involvement in City government through Neighborhood Associations and District Coalitions. In so doing, the Office of Neighborhood Involvement shall seek representation from Neighborhood Associations, District Coalitions, Business District Associations, diverse community interests, city agencies that engage in considerable public involvement activities, and other interested people as necessary; and,
- H.** Pursuant to the adopted Standards, formally recognize a Neighborhood Association and/or acknowledge a Business District Association. If a Neighborhood Association or Business District Association fails to meet the minimum requirements of chapter 3.96, the Office of Neighborhood Involvement may suspend partial or all benefits and may ultimately revoke formal recognition of a Neighborhood Association or acknowledgement of a Business District Association; and,
- I.** Promote, encourage and support diverse and multicultural public involvement; and,
- J.** Establish open and fair grievance procedures for Neighborhood Associations, District Coalitions, and the Office of Neighborhood Involvement; and,
- K.** Establish open meetings and public records standards for Neighborhood Associations and District Coalitions.

Chapter 3.98

TOWING BOARD OF REVIEW

(Chapter added by Ordinance No. 138941,
effective October 10, 1974.)

Sections:

- 3.98.010 Created - Organization.
- 3.98.020 Procedure and Rules.
- 3.98.030 Staff.
- 3.98.040 Contracts - Rates.
- 3.98.050 Eligibility.
- 3.98.060 Powers of Board.
- 3.98.080 Appeals.

3.98.010 Created - Organization.

(Amended by Ordinance Nos. 143364, 149583, 157639, 168911, and 172488 effective July 22, 1998.)

- A.** There hereby is created a Towing Board of Review, hereinafter referred to as the Board, consisting of eight voting members and two nonvoting members. A quorum of the Board shall consist of five voting members.
- B.** The voting members of the Board shall be: the Business License Director or an appropriate designee; the Executive Director of the Port of Portland or appropriate designee; the Chief of Police or an appropriate designee; the Traffic Engineer or appropriate designee; the Sheriff of Multnomah County or an appropriate designee; and three members of the general public with no affiliation with the towing industry, appointed by the Mayor, subject to confirmation by the City Council to serve for a period of 2 years. The Mayor shall designate one of the eight voting members to serve as the Chair, who shall so serve at the Mayor's pleasure.
- C.** The two nonvoting members shall be representatives of the towing industry appointed by the Mayor to serve for 1 year subject to confirmation by the Council.
- D.** All members of the Board shall serve without pay, except that they may receive their regular salary during the time spent on matters of the Board. A vacancy on the board shall be filled in accordance with the appointment procedures described above.

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- E. If any member of the Board is absent from more than three regularly scheduled meetings of the Board during a single calendar year, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the Board and the position shall thereafter be vacant and subject to appointment.

3.98.020 Procedure and Rules.

The Towing Board of Review shall establish its own rules and bylaws, and provide the procedure for all matters for consideration or action by the Board.

3.98.030 Staff.

(Amended by Ordinance Nos. 153508 and 157639, effective July 25, 1985.) The Bureau of Licenses shall provide staff and appropriate assistance for the Board.

3.98.040 Contracts - Rates.

- A. The Board shall determine the terms and content of the contracts the City will abide by in contracting for dispatching and towing services.
- B. The Board is empowered to hold public hearings to establish a fair rate of payment to be received for service performed under the various towing contracts and to determine the payment each towing company shall make to the dispatcher for services rendered.

3.98.050 Eligibility.

(Amended by Ordinance No. 153508, effective Aug. 2, 1982.) The Towing Board of Review shall establish the terms, conditions, and contents of the City towing contracts, and the terms, conditions, and methods of selecting towing companies eligible for such contracts and able and willing to perform in accordance with the terms thereof, and shall certify to the Council the towing companies thereby eligible for a towing contract with the City.

3.98.060 Powers of Board.

The Board shall be responsible for reviewing the performance of the City's towing service contracts and to recommend to the Council any changes it feels necessary to promote the general purpose of establishing fair and equitable arrangements for the performance of tows requested by City personnel and the board shall be empowered to act on behalf of the City to:

- A. Oversee the operation of and inspect the equipment and personnel qualifications of all parties contracting with the City for towing or dispatching service to determine if they are in compliance with their contracts; and hear and investigate complaints regarding the City's towing contracts and the performance thereof.

- B.** Establish dispatching district boundaries and lists of towing companies within each district eligible to be dispatched for tows:
 - 1.** In establishing district boundaries, the Board shall consider;
 - a.** The number and location of towing companies certified by the board as eligible for City towing contractors, and;
 - b.** That the purpose of establishing districts is to ensure that a tow truck shall be available in the minimum amount of time possible and no later than 30 minutes after request for tow is received; and a motorist whose vehicle is towed shall have to travel the minimum possible distance to recover his vehicle;
 - 2.** The Board is authorized to establish separate district boundaries if necessary for the dispatching of tows to be performed under different forms of contracts.
- C.** Cancel any towing or dispatching contract under the terms thereof.

3.98.080 Appeals.

(New Section substituted by Ordinance No. 170282, effective June 19, 1996). Any towing company directly affected by an action of the Board may appeal to the Code Hearings Officer, pursuant to provisions of Chapter 22.10 of this Code under the following circumstances:

- A.** The towing company's contract with the City has been revoked or suspended by the Towing Board of Review;
- B.** The towing company has been directed by the Towing Board of Review to pay a civil penalty; or,
- C.** Against whom the Towing Board of Review has otherwise elected to impose Contract remedies.

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Chapter 3.99

FAIR WAGE POLICIES

(Chapter added by Ordinance No. 174839,
effective August 24, 2000.)

Sections:

- 3.99.005 Policy.
- 3.99.010 Covered Services.
- 3.99.015 Compliance.
- 3.99.020 Adjustments.

3.99.005 Policy.

It is the policy of the City of Portland that employees performing certain categories of work under formal service contracts with the City of Portland be guaranteed a minimum fair wage including benefits to equal a specified minimum total compensation. City bureaus and operating units have the discretion to implement this policy in a reasonable manner.

3.99.010 Covered Services.

The Fair Wage Policy applies to formal service contracts entered into by the City of Portland for janitorial, security, and parking attendant services.

3.99.015 Compliance.

City of Portland bureaus or operating units entering into formal contracts for covered services shall include the annual minimum wage and total compensation amount established by the City Office of Management and Finance in all procurement announcements and resulting contracts. Compliance with the minimum wage and total compensation requirements shall be monitored through submission of monthly certified payroll, mandatory employee notification of annual minimum wage and total compensation rates via on-site postings, designation of a bureau-based individual responsible for compliance monitoring and complaint resolution, and other measures deemed appropriate by the City. Contracts entered into by the City for covered services shall also include a non-retaliation clause protecting workers who assert wage claims based on this Chapter.

3.99.020 Adjustments

The fiscal year 2000/01 minimum wage shall be \$8.00/hour with a minimum total compensation of \$9.50/hour. "Total compensation" includes wages and the employer's cost of paid leave, life or health insurance, or retirement, but does not include mandated employer costs such as FICA, state unemployment insurance, or other payroll taxes. The Office of Management and Finance shall provide City bureaus with a yearly minimum

wage and minimum total compensation figure for covered services which is anticipated to be adjusted annually in light of any year-to-year percentage increase in the Portland/Salem Consumer Price Index wage earners (cpi-w) as published by the Bureau of Labor Statistics in February of each year. In making these adjustments, the Office of Management and Finance shall take into account the City's overall financial picture, and this code shall not be interpreted to require any increase which is inconsistent with the City's financial health and capabilities.

Chapter 3.100

EQUAL OPPORTUNITY

(Chapter replaced by Ordinance No. 144724,
effective November 10, 1977.)

Sections:

- 3.100.005 City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.
- 3.100.030 Contractor Equal Employment Opportunity Program.
- 3.100.041 Contracts with City.
- 3.100.042 Certification of Contractors.
- 3.100.043 Information Required.
- 3.100.044 Compliance Review.
- 3.100.045 Denial, Suspension, Revocation.
- 3.100.050 Nondiscrimination in Contracting.
- 3.100.051 Policy regarding Benefits.
- 3.100.052 Definitions.
- 3.100.053 Discrimination in the provision of benefits prohibited.
- 3.100.054 Limitations.
- 3.100.055 Power and duties of the Director.
- 3.100.056 Severability of Provisions.
- 3.100.060 Grant Equal Opportunity Compliance Program.
- 3.100.061 Definitions.
- 3.100.062 Purpose.
- 3.100.063 Responsibility.
- 3.100.064 Compliance Monitoring.
- 3.100.065 Rules and Regulations.
- 3.100.080 Minority/Female Purchasing Program.
- 3.100.081 Definitions.
- 3.100.082 Purpose.
- 3.100.083 Liaison Officer.

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- 3.100.084 Minority/Female Business Enterprise List.
- 3.100.085 Advertising.
- 3.100.086 Minority/Female Purchasing Associations.
- 3.100.087 Monitoring.
- 3.100.088 Certification.
- 3.100.089 Rules and Regulations.

3.100.005 City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights.

(Substituted by Ordinance No. 165383; amended by Ordinance No. 171993, effective February 11, 1998.) The City of Portland has a compelling governmental interest in prohibiting discrimination in programs, activities, services, benefits and employment whether carried out by the City itself or through a contractor with whom the City arranges to carry out its programs and activities. In addition to provision found elsewhere in this Code, provisions relating to equal employment opportunity, affirmative action and civil rights are specifically to be found in Chapter 4.02 and Chapter 23.01. The City of Portland's policies and programs relating to affirmative action are contained in its annual Affirmative Action Plan. Individual City bureaus may have specific programs designed to further the broad goals of equal employment opportunity, affirmative action and civil rights. It is unlawful to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in programs, activities, services, benefits, and employment whether carried out by the City of Portland, directly or through a contractor or any other entity with whom the City of Portland arranges to carry out its programs and activities except as allowed by federal law, rules and regulations.

3.100.010 Affirmative Action Program.

(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)

3.100.011 Definitions.

(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)

3.100.012 Policy.

(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)

3.100.013 Objectives.

(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)

3.100.014 Management Commitment.

(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)

- 3.100.015 Regulatory Committee.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.016 Bureau EEO Advisory Committees.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.017 Reports and Audits.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.018 Complaints of Discrimination.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.019 Sanction.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.020 Rules and Regulations.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.021 Identification of Handicapped.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.022 Management Commitment.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.023 Objectives.**
(Repealed by Ordinance No. 165383, effective Apr. 29, 1992.)
- 3.100.030 Contractor Equal Employment Opportunity Program.**
- 3.100.031 Definitions.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.032 Contracts with the City.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.033 Franchises.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.034 Certification of Contractors.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)
- 3.100.035 Rules and Regulations.**
(Repealed by Ordinance No. 171418, effective July 23, 1997.)

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3.100.036 Compliance by Contractors.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.037 Denial or Revocation of Certification.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.038 Compatibility with Other Rules.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.039 State of Emergency.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.040 Exemptions.

(Repealed by Ordinance No. 171418, effective July 23, 1997.)

3.100.041 Contracts with City.

(Added by Ordinance No. 171418, effective July 23, 1997)

- A. Equal Opportunity Employer.** An “Equal Employment Opportunity Employer” (“EEO Employer”) is one who does not engage in the discrimination prohibited by Section 3.100.005 of this Code and who is certified by the Bureau of Purchases as an EEO Employer.
- B. Contracts with EEO Employers.** The City has a compelling governmental interest to ensure that it is neither an active nor passive participant in legally prohibited discrimination. Therefore, the City will award contracts only to EEO Employers and will require that any subcontract to such contract be awarded to an EEO Employer. Any person, vendor, contractor, or entity of any type must be certified as an EEO Employer in order to be eligible to be awarded any contract from the City, unless the amount of all their contracts with the City total less than \$2,500 in any single fiscal year or unless the contractor has been exempted from such requirements as determined by the Bureau of Purchases. As used in the Code provisions regarding EEO Employers, the term “contractor” shall include all persons, contractors, vendors and entities who are required to obtain certification. In addition, all persons, vendors or entities that wish to be subcontractors on City awarded contracts shall be certified as EEO Employers unless the total of their subcontracts is less than \$2,500 in any single fiscal year or unless the subcontractor has been exempted from such requirements as determined by the Bureau of Purchases.
- C. Contracts Voidable.** Any contract between the City and a contractor who is not EEO certified or exempt from EEO certification requirements is voidable at the option of the City, regardless of whether the contractor was EEO certified when

the contract was awarded or executed. Similarly, a contract is voidable if the contractor subcontracts a portion of the work to a subcontractor or supplier that is not EEO certified or exempt from EEO certification requirements.

3.100.042 Certification of Contractors.

(Added by Ordinance No. 171418, effective July 23, 1997.) The Bureau of Purchases is delegated the authority to adopt rules and regulations to establish criteria for certification, conditional certification, decertification, revocation, suspension and denial of EEO status to Contractors and Subcontractors, to administratively implement this program, to investigate complaints of prohibited discrimination, to conduct compliance reviews, and to establish rules of procedure it deems necessary in order to discharge its duties.

3.100.043 Information Required.

(Added by Ordinance No. 171418, effective July 23, 1997.) Contractors and Subcontractors shall provide all information requested by the Bureau to assist it in performing its duties under Section 3.100.042 of this Code.

3.100.044 Compliance Review.

(Added by Ordinance No. 171418, effective July 23, 1997.) If the Bureau of Purchases receives a complaint filed by any person or entity that alleges prohibited discrimination by a Contractor or Subcontractor, or when information comes into its possession indicating that a Contractor or Subcontractor may have engaged in prohibited discrimination, the Bureau may conduct a Compliance Review to determine whether the complaint or the information is correct. The purpose of the Compliance Review is to determine whether an EEO Certification should be revoked or suspended or whether a request for certification or recertification should be denied.

3.100.045 Denial, Suspension, Revocation

(Added by Ordinance No. 171418, effective July 23, 1997)

- A. Actions by Bureau. The Bureau may deny, suspend or revoke an EEO certification of the contractor or subcontractor if:
 - 1. Employs a workforce that shows underutilization of minorities and women, as reflected by their availability in the workforce, and thereafter fails to take positive steps to diversify its workforce after notification from the Bureau that such steps are required to maintain the EEO certification. Underutilization determinations shall be based on federal Title VII standards including the “Four-Fifths Rule” and “Manifest Imbalance” concepts;
 - 2. Engages in discrimination prohibited by state, federal or local law;

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3. Refuses to provide information to the Bureau of Purchases to determine whether it should be EEO certified or recertified;
 4. Refuses to provide information when the Bureau is conducting a Compliance Review;
 5. Intentionally provides false information to the Bureau in regard to its EEO certification or in response to the Bureau's request for information; or
 6. Intentionally employs subcontractors that are not EEO certified.
- B.** Appeal. EEO certification that has been denied, suspended or revoked may be appealed to the City Council by filing a written notice with the City Auditor within 10 days after the date of denial, suspension, or revocation. Action on such appeal shall be as directed by the City Council.
- C.** Enforcement. If no appeal to the City Council is filed within the time allowed, or if the appeal is denied by the City Council, the decision of the Bureau immediately shall go into effect.

3.100.050 Nondiscrimination in Contracting.

(Added by Ordinance No. 180077, effective May 19, 2006)

3.100.051 Policy regarding Benefits.

(Added by Ordinance No. 180077, effective May 19, 2006) It is the City's intent, through its contracting practices outlined herein, to spend public money through its contracts to equalize, to the extent possible, the total benefits between similarly situated employees with spouses and employees with domestic partners.

3.100.052 Definitions.

(Added by Ordinance No. 180077, effective May 19, 2006) As used in this Chapter unless the context requires otherwise:

- A.** "Bureau" means the Bureau of Purchases.
- B.** "Contract" means all formal solicitation contracts for Public Improvements and Construction Services authorized and executed pursuant to PCC Chapter 5.34, and all formal solicitation contracts for Goods and Services authorized and executed pursuant to PCC Chapter 5.33 and all formal solicitation contracts for Professional, Technical and Expert services (PTE) authorized and executed pursuant to PCC Chapter 5.68.
- C.** "Director" or "Purchasing Agent" means the Director of the Bureau of Purchases or that person to whom those duties have been properly delegated.

- D.** "Domestic Partner" means any person who is registered with his or her employer as a domestic partner, or, in the absence of an employer-provided registry, is registered as a domestic partner with a governmental body pursuant to state or local law authorizing such registration and who is in fact a current domestic partner with the person with whom that person was registered. Any internal employer registry of domestic partnership must comply with criteria for domestic partnerships specified by rule by the Bureau.
- E.** "Employee benefits" means any plan, program or policy provided by an employer to its employees as part of the employer's total compensation package. This includes but is not limited to the following types of benefits: bereavement leave; disability, life, and other types of insurance; family medical leave; health benefits; membership or membership discounts; moving expenses; pension and retirement benefits; vacation; travel benefits; and any other benefits given to employees, provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

3.100.053 Discrimination in the provision of benefits prohibited.

(Added by Ordinance No. 180077, effective May 19, 2006)

- A.** No contractor on a City contract shall discriminate by policy or practice in the provision of employee benefits between an employee with a domestic partner and an employee with a spouse, subject to the following exceptions:
- 1.** In the event that the contractor's actual cost of providing a particular benefit for the domestic partner of an employee exceeds that of providing it for the spouse of an employee, or the contractor's actual cost of providing a particular benefit for the spouse of an employee exceeds that of providing it for the domestic partner of an employee, the contractor shall not be deemed to discriminate in the provision of employee benefits if the contractor conditions providing such benefit upon the employee agreeing to pay the excess costs.
 - 2.** The contractor shall not be deemed to discriminate in the provision of employee benefits if, despite taking reasonable measures to do so, the contractor is unable to extend a particular employee benefit to domestic partners, so long as the contractor provides the employee with a cash equivalent.
- B.** Other options for compliance allowed. Provided that a contractor does not discriminate in the provision of benefits between employees with spouses and employees with domestic partners, a contractor may:

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1. Elect to provide benefits to individuals in addition to employees' spouses and employees' domestic partners;
 2. Elect to provide benefits in a manner unrelated to spousal or domestic partner status; or
 3. Provide benefits neither to employees' spouses nor to employees' domestic partners.
- C.** Requirements inapplicable under certain conditions. The Director may waive the requirements of this chapter where it is found not to be in the best interest of the City. Examples of situations that require waiving the requirements of this chapter include but are not limited to:
1. Award of a contract or amendment is necessary to respond to an emergency;
 2. No compliant contractors are capable of providing goods or services that respond to the City's requirements;
 3. The contractor is a public entity;
 4. The requirements are inconsistent with a grant, subvention or agreement with a public agency;
 5. The City is purchasing through a cooperative or joint purchasing agreement;
- D.** Requests for waivers of the terms of this Chapter are to be submitted to the Bureau of Purchases in a manner prescribed by the Bureau. Decisions by the Bureau to issue or deny waivers are final.
- E.** The Director may reject an entity's bid or proposal, or terminate a contract, if the Director determines that the entity was set up, or is being used, for the purpose of evading the intent of this Chapter.
- F.** The City shall not execute a contract with a contractor unless such contractor has agreed not to discriminate in the provision of employee benefits as provided for in this chapter.
- G.** All contracts awarded by the City shall contain provisions developed by the Bureau of Purchases prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach

thereof as prescribed by Section 3.100.054, except as exempted by this chapter or rule.

3.100.054 Limitations.

(Added by Ordinance No. 180077, effective May 19, 2006) The requirements of this Chapter only shall apply to those portions of a contractor's operations that occur:

- A. Within the City;
- B. On real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and
- C. Elsewhere in the United States where work related to a City contract is being performed.

The requirements of this Chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

3.100.055 Powers and duties of the Director.

(Added by Ordinance No. 180077, effective May 19, 2006) The Director of the Bureau of Purchases shall have the power to:

- A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Portland (PCC 3.02), establishing standards and procedures for effectively carrying out this chapter;
- B. Examine contractor's benefit programs covered by this chapter;
- C. Allow for remedial action after a finding of non-compliance, as specified by rule.
- D. Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but are not limited to:
 - 1. Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to 3 years; and
 - 2. Contractual remedies, including, but not limited to, termination of the contract.
- E. Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;

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- F. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

3.100.056 Severability of Provisions.

(Added by Ordinance No. 180077, effective May 19, 2006) If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

3.100.060 Grant Equal Opportunity Compliance Program.

3.100.061 Definitions.

(Amended by Ordinance No. 150738, effective Dec. 13, 1980.) As used in this Section:

- A. **“Equal Opportunity”** or **“EO”** means the concepts and practice of nondiscrimination on the basis of race, religion, color, national origin, sex, age or handicap in employment, purchasing, contracting, or utilization of firms or individuals on the basis of demographics as may be prescribed by grants awarded to the City of Portland by other governmental agencies.

3.100.062 Purpose.

(Amended by Ordinance No. 150738, effective Dec. 13, 1980.) The purpose of the Grant Equal Opportunity Compliance Program is:

- A. To provide a uniform and consistent review of all equal opportunity and labor standard requirements associated with grants from other governmental agencies to the City of Portland.
- B. To establish guidelines, instructions, uniform reporting formats, related administrative support, and assistance necessary to comply with grant equal opportunity requirements.
- C. To provide a single, initial contact for grantor agencies and others seeking information about, or contact with, grantee bureaus or offices on EO matters.

3.100.063 Responsibility.

(Amended by Ordinance No. 150738, effective Dec. 13, 1980.) Affected City agencies shall have responsibilities under this Section as follows:

- A. Federal Grants Coordinator shall submit all grant applications to the Contract and Grants Compliance Division for determination of equal opportunity requirements. No grant application shall be submitted to the City Council unless the Contract

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and Grants Compliance Division has reviewed the applicable equal opportunity requirements and obligations.

Following the award of any grant, the Federal Grants Coordinator shall provide the Contract and Grants Compliance Division with copies of the grant and applicable related documents.

B. Contract and Grants Compliance Division shall serve as the point of contact for all communications relating to grant equal opportunity compliance, and shall review all grants as follows:

1. Pre-Application. Before any grant application is submitted to the grantor agency, the equal opportunity provisions shall be reviewed to determine compliance requirements. A report of such review shall be submitted to the Federal Grants Coordinator.

2. Post Award. Immediately after the award of any grant, the Contract and Grants Compliance Division shall advise the grantee bureau or office of applicable requirements and provide guidelines, instructions, forms, and assistance, as required to assist the bureau or office to implement compliance.

C. Grantee Bureaus or Offices. Shall be fully responsible for compliance with all equal opportunity requirements imposed by applicable grants. In the discharge of such responsibility, grantee bureaus or offices shall cooperate fully with the Contract and Grants Compliance Division including, but not limited to, accumulation of applicable data, preparation of suitable records, and submission of such records and forms as may be required.

3.100.064 Compliance Monitoring.

(Amended by Ordinance No. 150738, effective Dec. 13, 1980.) The Contract and Grants Compliance Division shall monitor the program at appropriate intervals to assure compliance with requirements. Where difficulties are noted, recommendations shall be made to the appropriate bureau, office supervisor or project manager.

3.100.065 Rules and Regulations.

(Amended by Ordinance No. 150738, effective Dec. 13, 1980.) The Contract and Grants Compliance Division shall establish and maintain suitable rules and regulations for administration of the Grant Equal Opportunity Compliance Program.

3.100.080 Minority/Female Purchasing Program.

(Amended by Ordinance No. 150738, effective Dec. 13, 1980.)

3.100.081 Definitions.

(Amended by Ordinance No. 150738, effective Dec. 13, 1980.) As used in this Section:

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- A. “Minority” or “minorities”** means Blacks, Hispanic Americans, Pacific Islanders, Asian Americans, American Indians, Aleuts and Eskimos.
- B. “Members of Other Groups” (MOG)** means members of other groups or other individuals than those specified in A above, found to be economically and socially disadvantaged by the Small Business Administration under Section 8(a) of the Small Business Act, as amended (15 U.S.C. 637(a)). These MOGs shall also be eligible to participate in this program.
- C. “Minority business enterprise” (MBE)** means a business at least 50 percent of which is owned by minorities or, in the case of publicly owned business, at least 51 percent of the stock of which is owned by minorities and whose management and daily business operations are controlled by one or more such individuals.
- D. “Female business enterprise” (FBE)** means a business at least 50 percent of which is owned by females or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by females and whose management and daily business operations are controlled by one or more individuals.

3.100.082 Purpose.

(Amended by Ordinance No. 150738, effective Dec. 13, 1980.) The purpose of the Minority/Female Purchasing Program is to encourage and promote the sale of goods and/or services by minority and female business enterprises to the City of Portland. When such services are provided by federal funds encouraging or requiring MBE/FBE participation, the City shall take necessary action to comply with federal laws, regulations and contracting requirements.

3.100.083 Liaison Officer.

(Added by Ordinance No. 150738, effective Dec. 13, 1980.) The designated Liaison Officer shall be the Purchasing Agent, who will be responsible for the day to day management of all elements of the program.

3.100.084 Minority/Female Business Enterprise List.

(Amended by Ordinance Nos. 150738 and 155018, effective Aug. 25, 1983.) The Contract and Grants Compliance Division of the Office of Fiscal Administration shall establish and maintain a current list of minority/female business enterprises, with indications of product and service areas. Such lists shall be consulted when requests for quotations for supply of goods and/or services are received.

3.100.085 Advertising.

(Amended by Ordinance Nos. 150738 and 155018, effective Aug. 25, 1983.) The Purchasing Agent shall advertise periodically in local publications (including the Daily Journal of Commerce, female and minority publications) that the City encourages bidding

by MBEs and FBEs and that the City will assist such firms to understand and participate in formal bidding process.

3.100.086 Minority/Female Purchasing Associations.

(Amended by Ordinance Nos. 150738 and 155018, effective Aug. 25, 1983.) The Purchasing Grants Compliance Division shall develop and implement certification and review criteria for authorization of eligible MBE/FBE participants. Such certification shall be no less often than annually.

3.100.089 Rules and Regulations.

(Amended by Ordinance Nos. 150738 and 155018, effective Aug. 25, 1983.) The Purchasing Agent (Bureau of Financial Affairs) shall establish and maintain rules and regulations for administration of the Minority/Female Purchasing Program.

3.100.090 Metropolitan Human Relations Commission Review and Evaluation.

(Repealed by Ordinance No. 173369, effective May 12, 1999.)

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Chapter 3.101

**PROPERTY TAX EXEMPTION FOR
LOW INCOME HOUSING HELD BY
CHARITABLE NON-PROFIT ORGANIZATIONS**

(Chapter added by Ordinance No. 157768,
effective August 29, 1985.)

Sections:

- 3.101.010 Definitions.
- 3.101.020 Eligible Organizations.
- 3.101.030 Eligible Property.
- 3.101.040 Application Procedure.
- 3.101.050 Review of Application.
- 3.101.060 Annual Application Renewal.
- 3.101.070 Assessment Exemption.
- 3.101.080 Termination.
- 3.101.090 Implementation.

3.101.010 Definitions.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

As used in this Chapter:

- A. “Low income”** means income at or below 60 percent of the area median income as determined by the State Housing Council based on information from the United States Department of Housing and Urban Development.
- B. “Eligible property”** means land and improvements thereon:
 - 1. Which are either single or multi-family residential units intended for the exclusive occupancy by low-income persons during the tax year for which approval of the application has been granted or properties which are not residential units but which will become residential units through rehabilitation improvements or new construction to be occupied by low-income persons;
 - 2. Which are owned, being purchased, or held under leasehold interest in the property which meet the standards of Subsections 3.101.030 B. 1.-2. by a charitable organization and non-profit corporation for the purpose of occupancy by low-income persons as described in 26 U.S.C. Section 501

(c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.540 to 307.548; and

3. Which the owner or leaseholder has met all eligibility requirements and made all required agreements described in this Chapter.

3.101.020 Eligible Organizations.

(Amended by Ordinance No. 185043, effective December 7, 2011.) “Eligible organizations” means only charitable non-profit corporations certified by the Internal Revenue Service of the federal government as a 501 (c) (3) or (4) organization which also provides housing for occupancy by low-income persons as defined by Section 3.101.010 in this Chapter. No other types of non-profit or for-profit organizations are eligible.

3.101.030 Eligible Property.

(Amended by Ordinance Nos. 167356 and 185043, effective December 7, 2011.) As used in this Chapter:

- A. “Eligible property” as defined in Subsections 3.101.010 B. 1.-3. which meets all of the following criteria, pursuant to ORS 307.541, and other conditions of this Chapter shall be exempt from taxation:
 1. The property is owned or being purchased by a corporation that is exempt from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984, pursuant to ORS 307.541(a);
 2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary, or educational purposes or to the State of Oregon;
 3. The property is occupied by low-income persons as defined by ORS 307.540(2) or held for future development for low income housing pursuant to ORS 307.541(1)(c)(B).
 4. The property or portion of the property receiving the exemption is actually and exclusively used for the purposes described in 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984.
 5. The exemption has been approved as provided in Section 3.101.040 and 3.101.050 of this Chapter.

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- B.** For the purposes of this Chapter, pursuant to ORS 307.541(2), a corporation that has only a leasehold interest in property is deemed to be a purchaser of that property if:
1. The corporation is obligated under the terms of the lease to pay the ad valorem taxes on the real and personal property used in this activity on that property; or
 2. The rent payable by the corporation has been established to reflect the savings resulting from the exemption from taxation.
- C.** Pursuant to ORS 307.541(3), a partnership shall be treated the same as a corporation if the corporation is a general partner of the partnership and responsible for the day-to-day operation of the property that is the subject of the exemption.

3.101.040 Application Procedure.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

- A.** To qualify for the exemption the corporation shall file an application for exemption with the Portland Housing Bureau acting on behalf of the City of Portland for each assessment the year the corporation wants the exemption. The application shall be filed on or before April 1 of the assessment year for which the exemption is applied for, except that when the property designated is acquired after April 1 and before July 1, the claim for that year shall be filed within 30 days after the date of acquisition. The application shall include the following information:
1. The applicant's name, address, and telephone number;
 2. The assessor's property account number for each site;
 3. The number of units and the exempted amount of each property being applied for under this Chapter;
 4. A description of the property for which the exemption is requested;
 5. A description of the charitable purpose of the project and whether all or a portion of the property is being used for that purpose;
 6. A description of how the tax exemption will benefit project residents; and
 7. A description of how the benefits in the case of leasehold interest in the eligible property accrue to the non-profit and its resident tenants;

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8. A certification of income levels of low-income occupants;
 9. A declaration that the corporation has been granted an exemption from income taxes under 26 U.S.C. Section 501 (c) (3) or (4) as amended before December 1, 1984;
 10. A description of the development of the property if the property is being held for future low income housing development; and
 11. Any other information required by state law or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter at the time the application is submitted.
- B.** The application shall include the following statements:
1. That the applicant is aware of all requirements for property tax exemption imposed by this Chapter;
 2. That the applicant's property qualified or, upon completion of the rehabilitation improvements and subsequent occupancy by low income, will qualify for exemption at the time of application approval or within 30 days of the April 1 application deadline;
 3. That the applicant acknowledges responsibility for compliance with the Code of the City of Portland regardless of whether the applicant obtains the exemption provided by this Chapter.
 4. The applicant shall furnish other information which is reasonably necessary to fulfill the objectives of this Chapter.
- C.** The applicant shall verify the information in the application, in accordance with Subsections 3.101.040 B. 1. through 3. above, by oath or affirmation.
- D.** Applicants for an exemption under this Chapter shall pay fees for an initial application and any renewals as set by the Portland Housing Bureau. The Portland Housing Bureau shall pay the County Assessor any reasonable cost incurred to process the exemption onto the tax rolls. In addition to paying the basic fee, the applicant may be required to pay other reasonable costs, which are incurred by the Portland Housing Bureau or the County Assessor in processing the application. The Portland Housing Bureau shall collect the additional payment, if any, and pay itself, the County Assessor, or any other City bureau an amount equal to the additional costs incurred. If the applicant is denied, the City

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shall retain that portion of the application fee attributable to its own administrative costs and shall refund the balance to the applicant.

3.101.050 Review of Application.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

- A.** Within 30 days after the April 1 deadline for the application and payment of the application fee, the Portland Housing Bureau shall approve or deny the application. The application shall be approved if the Portland Housing Bureau finds that the property is “eligible property” within the meaning of the paragraphs 1. through 3. of Subsection B. of Section 3.101.010 of this Chapter, and that the applicant has submitted the application and paid the fees pursuant to Section 3.101.040 of this Chapter.
- B.** If the application is approved, the Portland Housing Bureau shall send written notice of approval to the applicant.
- C.** If the application is denied, the Portland Housing Bureau shall state in writing the reasons for denial and send the notice to the applicant at his or her last known address within 10 days after the denial. The Portland Housing Bureau shall retain that portion of the application fee which is attributable to its own administrative costs and shall refund the balance to the applicant.
- D.** Upon denial by the Portland Housing Bureau, an applicant may appeal the denial to the City Council within 30 days after receipt of the notice of denial. Appeal from the decision of the City Council may be taken as provided by law.
- E.** The application shall be assigned an application and receipt number.

3.101.060 Annual Application Renewal.

(Amended by Ordinance Nos. 167356, 178286 and 185043, effective December 7, 2011.)

- A.** Applicants for property tax exemption must apply each year no later than April 1 in order to be qualified for property tax exemption for the upcoming tax year.
- B.** The annual application renewal fee shall be set by the Portland Housing Bureau.

3.101.070 Assessment Exemption.

(Amended by Ordinance Nos. 167356, 178286 and 185043, effective December 7, 2011.)

- A.** Property for which an application for a property tax exemption has been approved under the provisions of this Chapter shall be exempt from ad valorem taxation for 1 year beginning July 1 of the tax year immediately following approval of the exemption, or when, pursuant to ORS 307.330, the property would have gone on

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the tax rolls in the absence of the exemption provided for in this Chapter. The exemption provided in this Section shall be in addition to any other exemption provided by law.

- B.** Applications for property tax exemption under this Chapter shall apply to and may be approved for assessment years beginning on or after January 1, 1985, but no later than January 1, 2027.
- C.** The exemption as provided by this Chapter shall apply to the tax levy of all taxing districts in the City of Portland in which property certified for exemption is located as long as the City of Portland has achieved the approval from such taxing districts whose governing boards agree to the policy of exemption, equal to 51 percent or more of the total combined rate of taxation on the property certified for exemption.

3.101.080 Termination.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)

- A.** If, after a certificate of qualification approving the exemption has been filed with the County Assessor, the Portland Housing Bureau finds that non-compliance has occurred or that any provision of this Chapter is not being complied with, the Portland Housing Bureau shall give notice in writing to the owner, mailed to the owner's last-known address and to every known lender, by mailing the notice to the last-known address of every known lender, of the proposed termination of the exemption. The notice shall state the reasons for the proposed termination of the exemption and require the owner to appear before City Council to show cause at a specified time, not less than 20 days after mailing of the notice, why the exemption should not be terminated.
- B.** If the owner does not appear or if he or she appears and fails to show cause why the exemption should not be terminated, the Portland Housing Bureau shall notify every known lender and shall allow any lender not less than 30 days after the date the notice of the failure to appear and show cause is mailed to cure any noncompliance or to provide adequate assurance that all noncompliance shall be remedied.
- C.** If the owner fails to appear and show cause why the exemption should not be terminated and the lender fails to cure or give adequate assurance of the cure of any noncompliance, City Council shall adopt an ordinance or resolution stating its findings that terminate the exemption. A copy of the ordinance or resolution shall be filed with the County Assessor and a copy sent to the owner at the owner's last-known address and to the lender at the last-known address of the lender, within 10 days after its adoption.

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- D.** Upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.216 to 311.232, to provide for the assessment and taxation of any value not included in the valuation of the property during the period of exemption prior to termination by City Council or by a court, in accordance with the findings of City Council or the court as the assessment year in which the exemption is to terminate. The County Assessor shall make the valuation of the property necessary to permit correction of the rolls, and the owner may appeal the valuation in the manner provided under ORS 311.216 to 311.232. Where there has been a failure to comply, as provided in Subsection A of this Section, the property shall be revalued beginning July 1 of the calendar year in which the non-compliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th day of the months next following the month of correction. If not paid within such period, the additional taxes shall thereafter be considered delinquent on the date they would normally have become delinquent if the time extended on the roll or rolls in the year or years for which the correction was made.

3.101.090 Implementation.

(Amended by Ordinance Nos. 167356, 182671 and 185043, effective December 7, 2011.)
The Portland Housing Bureau shall establish procedures and prepare forms for immediate implementation and administration of this Chapter in order to accept applications prior to the April 1 filing deadline imposed by ORS 307.545.

Chapter 3.102

PROPERTY TAX EXEMPTION FOR NEW CONSTRUCTION OF SINGLE-UNIT HOUSING IN HOMEBUYER OPPORTUNITY AREAS

(Chapter replaced by Ordinance No. 185477,
effective August 1, 2012.)

Sections:

- 3.102.010 Purpose.
- 3.102.020 Definitions.
- 3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.
- 3.102.040 Exemption Requirements.
- 3.102.050 Application Review and Approval.
- 3.102.060 Compliance.
- 3.102.070 Designation of Homebuyer Opportunity Areas.
- 3.102.080 Termination of the Exemption.
- 3.102.090 Implementation.

3.102.010 Purpose.

- A. The City of Portland adopts the provisions of Oregon Revised Statutes 307.651 through 307.687, and administers a property tax exemption program for new construction of single-unit housing authorized under those provisions.
- B. In addition to meeting the legislative goals set forth in ORS 307.654, the program also seeks to accomplish the following additional core goals:
 - 1. Stimulate the construction of affordable housing and other public benefits where such housing or benefits may not otherwise be made available.
 - 2. Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
 - 3. Provide transparent and accountable stewardship of public investments.

3.102.020 Definitions.

As used in this Chapter:

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- A.** “**Administrative Rules**” means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes and procedures.
- B.** “**Applicant**” means the individual who or entity which owns the property and is submitting an application for the tax exemption program and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any compliance requirements under this Chapter.
- C.** “**Homebuyer opportunity area**” means those areas of the City of Portland designated by the Portland Housing Bureau that meet the requirements set forth in ORS 307.651 to 307.657 for a "distressed area" and Section 3.102.070 of this Code.
- D.** “**Single-unit housing**” has the meaning set forth in ORS 307.651(4).

3.102.030 Benefit of the Exemption; Annual Maximum Number of Exemptions.

- A.** Single-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.664 and the Administrative Rules.
- B.** However, the Portland Housing Bureau may, upon action by City Council on an annual basis, determine a limit on the number of applications accepted under this Chapter.

3.102.040 Exemption Requirements.

In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the proposed construction will meet the following requirements and public benefits upon completion of construction:

- A.** Property
 - 1.** Single-unit housing must be located within a homebuyer opportunity area;
 - 2.** Each qualified dwelling unit in the single-unit housing must have a market value at the time of completion of no more than the amount determined annually by Portland Housing Bureau according to ORS 307.651(3) and 307.661;
 - 3.** Construction of the single-unit housing must be completed according to ORS 307.681(1), except as provided in ORS 307.374;

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4. Each qualified dwelling unit must sell to the initial homebuyer within two years of activation of the exemption;
5. Each qualified dwelling unit must have at least three bedrooms unless built within an approved transit-oriented area as determined by the Portland Bureau of Planning and Sustainability and included on the map defining homebuyer opportunity areas, in which case two bedroom homes are allowed; and
6. The single-unit housing must comply with all other requirements under the Code of the City of Portland.

B. Affordability

1. Each dwelling unit of the single-unit housing must be sold to a household with an annual gross household income not greater than one hundred percent of the area median income for a family of four as determined annually for the Portland Metropolitan Area by the United States Department of Housing and Urban Development, which income may be adjusted upward for households with more than four persons.
2. For the purposes of this program, household income is the annual gross income of the titleholder who will occupy the dwelling unit.

C. Owner-Occupancy

1. Once sold to the initial buyer, the dwelling unit shall remain owner-occupied as the principal residence of the titleholder receiving the tax exemption during the tax exemption period;
2. Hardship exception to the owner-occupancy requirement may be granted by the Portland Housing Bureau in accordance with its policies. Such hardship exceptions may include, but are not limited to, the following circumstances:
 - a. Active military duty outside of the area;
 - b. Temporary relocation to care for an ill or dying family member; or
 - c. Temporary relocation caused by an employer; and
3. The single-unit housing may not be rented at any time during the exemption period.

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D. Equity

1. Applicant must acknowledge familiarity with Portland Housing Bureau's Minority, Women, and Emerging Small Businesses (MWESB) guidelines and contracting opportunity goals, and report on past contracting relationships.
2. Applicant must acknowledge awareness and understanding of Portland Housing Bureau's Guiding Principles on Equity and Social Justice and Strategic Priority of Helping Portlanders from Communities of Color buy a home and agree to partner with Portland Housing Bureau to assure that communities of color are aware of properties for sale with exemptions.

E. Green Building. The new construction must be built to meet healthy and resource efficient environmental building standards.

F. Application Fee. The applicant must pay an application fee determined by the Portland Housing Bureau as described in ORS 307.674 (5).

3.102.050 Application Review and Approval.

A. The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.667 through 307.674.

B. Applicants must apply for the tax exemption prior to issuance of the building permit for the single-unit housing.

C. If construction of the single-unit housing is not completed within the timeframe described in ORS 307.674, Portland Housing Bureau may extend the deadline as consistent with ORS 307.677.

D. The issuance of final building permits shall indicate compliance with the Code of the City of Portland and shall be sufficient to meet the design standards as described in ORS 307.651(4)(a)

E. Any exemption under this Chapter must be approved by City Council by resolution, and Portland Housing Bureau will deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.674.

3.102.060 Compliance.

A. Upon approval, applicants must execute a document to be recorded on title of the single-unit housing requiring Portland Housing Bureau verification of homebuyer

affordability and owner-occupancy qualification prior to the sale of each dwelling unit to an initial homebuyer.

- B.** Single-unit housing which sells to homebuyers who do not meet the affordability or owner occupancy qualifications, will have the tax exemption removed as of the next tax year.
- C.** Single-unit housing not meeting the exemption requirements by selling over the established sale price at initial sale will have the tax exemption terminated according to Section 3.102.080 and require the owner to repay any exempted taxes consistent with ORS 307.687.

3.102.070 Designation of Homebuyer Opportunity Areas.

- A.** The Portland Housing Bureau shall be responsible for designating homebuyer opportunity areas. The designation of such areas shall occur in the form of a public hearing conducted before the Portland Bureau of Planning and Sustainability's Planning and Sustainability Commission and approval through a resolution with City Council. Portland Housing Bureau shall review the homebuyer opportunity areas for possible amendment at least every two years.
- B.** The criteria for designating homebuyer opportunity areas shall include consideration of the following factors:
 - 1.** A distressed area as described in ORS 307.651(1);
 - 2.** The incentive of limited property tax exemption in a homebuyer opportunity area will help to carry out adopted policies, or area-wide or district plans of the City related to housing or neighborhood revitalization; and
 - 3.** The probability of revitalization in the area without the assistance of the exemption.

3.102.080 Termination of the Exemption.

If the Portland Housing Bureau determines that the single-unit housing fails to meet any of the provisions of ORS 307.651 to 307.687 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.681 through 307.687.

3.102.090 Implementation.

Portland Housing Bureau may adopt, amend and repeal the administrative rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

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Chapter 3.103

PROPERTY TAX EXEMPTION FOR MULTIPLE-UNIT HOUSING DEVELOPMENT

(Chapter replaced by Ordinance No. 185477,
effective August 1, 2012.)

Sections:

- 3.103.010 Purpose.
- 3.103.020 Definitions.
- 3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.
- 3.103.040 Minimum Threshold Requirements.
- 3.103.050 Application Review and Scoring of Public Benefits.
- 3.103.060 Application Approval.
- 3.103.070 Rental Project Rate of Return.
- 3.103.080 For-Sale Unit Compliance.
- 3.103.090 Extension of the Exemption for Low Income Housing Projects.
- 3.103.100 Termination of the Exemption.
- 3.103.110 Implementation.

3.103.010 Purpose.

- A.** The City of Portland adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions.
- B.** In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to accomplish the following additional core goals:
 - 1.** Stimulate the construction of affordable housing and other public benefits where such housing or benefits may not otherwise be made available.
 - 2.** Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
 - 3.** Provide transparent and accountable stewardship of public investments.

3.103.020 Definitions.

As used in this Chapter:

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- A.** “**Accrued Payment Liability**” means the amount determined by the Portland Housing Bureau that must be paid to Multnomah County if a rental project’s rate of return exceeds the maximum rate of return allowed under this program.
- B.** “**Administrative Rules**” means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes, and procedures.
- C.** “**Applicant**” means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.
- D.** “**Extended Use Agreement**” means a recorded agreement between the owner and the Portland Housing Bureau stating the approval and compliance criteria of a project’s tax exemption.
- E.** “**Multiple-unit housing**” has the meaning set forth in ORS 307.603(5).
- F.** “**Owner**” means the individual or entity holding title to the exempt project and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any extended use agreement and any compliance requirements under this Chapter.
- G.** “**Project**” means property on which any multiple-unit housing is located, and all buildings, structures, fixtures, equipment and other improvements now or hereafter constructed or located upon the property.

3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.

- A.** Multiple-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.612 and the Administrative Rules.
- B.** However, the maximum amount of estimated foregone tax revenue provided as a benefit of the exemption under this Chapter may not exceed the amount approved annually by Council.

3.103.040 Minimum Threshold Requirements.

In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the project meets the following minimum threshold requirements:

- A.** Financial need for the exemption

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1. Rental projects
 - a. The project would not otherwise be financially feasible without the benefit provided by the property tax exemption.
 - b. The applicant must submit proof that the anticipated internal rate of return for the project for the period of the exemption will not exceed 10 percent.
 2. For-sale projects
 - a. Units receiving tax exemption will be sold to buyers meeting the affordability requirements contained in this Section.
- B. Property eligibility**
1. Projects must be located within identified Designated Plan Areas/Metro 2040 Centers, within a quarter mile radius of Max Station Areas, or within a quarter mile from either Metro 2040 Corridors with Frequent Transit Service or Metro 2040 Main Streets with Transit Service within the City of Portland.
 2. Projects must conform to City of Portland's zoning and density requirements.
 3. Applications for tax exemption must be submitted and approved prior to application for the project's building permit.
- C. Affordability**
1. For rental projects, during the term of the exemption, a minimum of 20 percent of the number of units must be affordable to households earning 60 percent or less of the area median family income, with possible allowance to have units affordable to households earning 80 percent or less of the area median family income based on the market for similar units in the same geographic area. The units meeting the affordability requirements must match the unit mix in the project as a whole in terms of number of bedrooms.
 2. For projects containing for-sale units, those units receiving the exemption must not exceed the maximum price established under City Code Section 3.102.040 at initial sale and must sell to an initial homebuyer who income qualifies and occupies the unit as established under City Code Section

3.102.040. During the term of the exemption, the unit must be occupied by a homebuyer as established under City Code Section 3.102.040.

D. Equity

1. Applicants must provide a plan to meet Portland Housing Bureau's business equity goals for participation of Minority, Women, and Emerging Small Businesses (MWESB) in professional services and construction contracting and City workforce training and hiring goals.
2. Applicants must describe their efforts to engage community stakeholders and integrate feedback in the project concept plan, including but not limited to: neighborhood impacts, plan for commercial tenants, the use of gathering and commercial space in the project, and outreach and marketing of residential units to target markets.

E. Green Building. The project must be built to meet healthy and energy efficient environmental building standards.

3.103.050 Application Review and Scoring of Public Benefits.

- A.** The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.621.
- B.** Applications which satisfy the requirements of Section 3.103.040 will be scored as part of a competitive process. Applicants must demonstrate additional public benefits beyond the threshold requirements in their applications. Additional benefits may include but are not limited to the following:
 1. Affordability in addition to threshold requirements described in Section 3.103.040 for rental projects or units available for sale below prices for comparable properties in the area;
 2. Applicant's demonstration in its MWESB and community engagement plans of how the project will help Portland Housing Bureau achieve the vision contained in Portland Housing Bureau's Guiding Principles on Equity and Social Justice;
 3. A portion of or all units fully "accessible" to persons with special needs and of established accessible design features at both unit and site level;
 4. Family sized units in areas lacking housing units with two or more bedrooms, with appropriate family friendly amenities;

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5. Access to grocery stores, schools, day care, etc.;
6. Quality gathering space available to the community at large; and
7. A portion of units reserved for and an established partnership with an agency to provide services to vulnerable populations, including but not limited to youth who have transitioned or are transitioning out of foster care.

3.103.060 Application Approval.

- A. Portland Housing Bureau shall select the applications which meet the minimum threshold requirements (see Section 3.103.40) and provide the most public benefit to the City (see Section 3.103.50). The Portland Housing Bureau Housing Investment Committee shall review the selected applications and determine which should proceed towards approval. Applicants with selected applications shall pay an application fee.
- B. Portland Housing Bureau shall present the selected applications to the Portland Housing Advisory Commission at a public hearing, for which notice will be given and public testimony will be heard.
- C. Portland Housing Bureau shall take applications to City Council for approval in the form of an ordinance and deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.621.
- D. If construction of an approved project is not completed or an application for exemption is not received within the timeframe described in ORS 307.637, Portland Housing Bureau may extend the deadline consistent with ORS 307.634.

3.103.070 Rental Project Rate of Return.

- A. The owner of a rental project approved for exemption will be required to sign an extended use agreement (“EUA”) to be recorded on the title to the property.
- B. During the exemption period, the owner must submit project financial information annually to the Portland Housing Bureau.
- C. Portland Housing Bureau will prepare an annual analysis of the project’s financial data including a to-date calculation of the rate of return for the project.

- D.** Portland Housing Bureau will advise the owner in writing whether the projected rate of return will exceed 10 percent for the entire exemption period and may result in an Accrued Payment Liability (“APL”).
- E.** If Portland Housing Bureau determines that the number and unit mix of affordable units is less than the approved percentage or does not match the unit mix of the project, the next available units must be rented to households meeting the income requirements and the project must be brought into compliance before the next reporting period.
- F.** At the end of the final year of the exemption, Portland Housing Bureau will calculate the rate of return for the project during the exemption.
 - 1.** If the rate of return does not exceed 10 percent, then the EUA terminates at the end of exemption.
 - 2.** If the rate of return exceeds 10 percent, then Portland Housing Bureau sends a written notice to the last known address of the owner requiring the owner to elect one of the following:
 - a.** The EUA may remain in full force and effect for an additional 5 years after the end of the tax exemption, extending the affordability requirements approved for the exemption; provided that the number of units subject to the rent restrictions as approved is the same number necessary to reduce the net present value, using a 10 percent annual discount rate of the project’s projected market-rate (unrestricted) annual cash flows by an amount equal to the APL; or
 - b.** The owner pays an APL in an amount equal to the lesser of either:
 - (1)** The net present value using a 10 percent annual discount rate of the difference between the project’s actual annual cash flows during the exemption and the proforma projected cash flows for the project that would provide a 10 percent rate of return during the exemption; or
 - (2)** The maximum amount of the property taxes that would have been assessed if no exemption had been granted.

3.103.080 For-Sale Unit Compliance.

- A.** Approved applicants must execute a document to be recorded on title of the project requiring Portland Housing Bureau verification of homebuyer

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affordability and owner-occupancy qualification prior to the sale of each for-sale unit to an initial homebuyer.

- B.** For-sale units which sell to homebuyers who do not meet the affordability or owner occupancy qualifications at initial sale will have the tax exemption removed as of the next tax year.
- C.** For-sale units which sell over the established sale price at initial sale will have the tax exemption terminated according to Section 3.103.100 and require the owner to repay any exempted taxes consistent with ORS 307.631.

3.103.090 Extension of the Exemption for Low Income Housing Projects.

Projects subject to a low income housing assistance contract may be eligible for extension pursuant to ORS 307.612.

3.103.100 Termination of the Exemption.

If the Portland Housing Bureau determines that the project fails to meet any of the provisions of ORS 307.600 to 307.637 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.627.

3.103.110 Implementation.

Portland Housing Bureau may adopt, amend and repeal the administrative rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

Chapter 3.104

**PROPERTY TAX EXEMPTION FOR
NEW, MULTIPLE-UNIT HOUSING**

(Chapter repealed by Ordinance No. 185477,
effective August 1, 2012.)

**TITLE 3
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Chapter 3.105

BULL RUN ADVISORY COMMITTEE

(Chapter added by Ordinance No. 143520;
repealed by Ordinance No. 161853,
effective May 27, 1989.)

Chapter 3.106

**EXPOSITION-RECREATION
COMMISSION**

(Chapter added by Ordinance No. 143806,
effective June 15, 1977.)

Sections:

- 3.106.010 Commission Action.
- 3.106.020 Filing Copies of Resolutions with City Auditor.
- 3.106.030 Council Review.
- 3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.
- 3.106.050 Council Initiation of Exposition - Recreation Commission Action.
- 3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

3.106.010 Commission Action.

All action by the Exposition - Recreation Commission shall be by resolution adopted in accordance with the Commission's bylaws.

3.106.020 Filing Copies of Resolutions with City Auditor.

Within 5 days after the passage of any resolution, the Exposition - Recreation Commission shall file a copy of the resolution with the City Auditor, who shall maintain a special record of the Exposition - Recreation Commission's resolutions which shall be accessible to the public under like terms as ordinances of the City of Portland. Except as provided in Section 3.106.040, no resolution of the Exposition - Recreation Commission shall become effective until 5:00 p.m. on the 10th day following the filing of a copy thereof with the City Auditor.

3.106.030 Council Review.

Except as provided in Section 3.106.040, resolutions of the Commission shall not become effective, if, within 10 days after the filing by the Exposition - Recreation Commission of a copy of a resolution with the City Auditor, a member of the City Council files a request with the Auditor for City Council review of the Commission action. Upon receipt of a request for City Council review of Commission action, the City Auditor shall forthwith notify the General Manager of the Exposition - Recreation Commission of the request for review and shall deliver to him a copy of the request for review. The Auditor shall place the resolution on the Council agenda for Council review at the next regular Council meeting. In placing the resolution on the Council calendar, the Auditor shall act consistently with the regular filing deadline for Council calendar items established by this

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Code; provided, the Council may review any Exposition - Recreation Commission resolution as a four-fifths item, or under suspension of Council rules. At the time of requesting Council review of Exposition - Recreation Commission action, the Council member shall state the reason such review is necessary and what action the Council should take on the matters.

3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.

(Amended by Ordinance No. 170667, effective Oct. 23, 1997.) Resolutions of the Exposition - Recreation Commission which pertain solely to the following matters shall be effective upon adoption or at such other time as specified by the Commission.

- A. Scheduling the use of the Exposition - Recreation Commission's buildings and facilities.
- B. Entering into agreements for the use of the Exposition - Recreation Commission's buildings and facilities, including all of the terms and conditions of such agreements, provided such agreements do not transfer operation, management or control of the Memorial Coliseum.
- C. Personnel policy or matters of employment, dismissal or disciplining of employees.
- D. Purchasing supplies, consumables, and services and equipment, in accordance with a budget approved by City Council and in accordance with City Council purchasing procedures.

3.106.050 Council Initiation of Exposition - Recreation Commission Action.

The Council may, by regularly adopted ordinance, take action on behalf of the Commission. A Council member introducing an ordinance pertaining to the Exposition - Recreation Commission on the Council calendar shall, at the time of filing the proposed ordinance with the City Auditor, have a copy of the ordinance delivered to the General Manager of the Exposition - Recreation Commission.

3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

- A. Contracts and agreements entered into by the Exposition - Recreation Commission or on behalf of the Commission by employees or agents, within the scope of their authority, shall be binding and effective from the times designated in sections 3.106.030 or 3.106.040, whichever is applicable.
- B. The Council may, by regularly adopted ordinance, repeal, amend or alter any resolution adopted by the Exposition - Recreation Commission. Any such repeal, amendment or alteration may be made retroactive or prospective in effect but

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shall not be construed to invalidate any contract or agreements made in accordance with Subsection A of this Section.

3.106.070 Special Services Personnel as Special Police.
(Repealed by Ordinance No. 185569, effective September 28, 2012.)

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Chapter 3.107

**WATER QUALITY ADVISORY
COMMITTEE**

(Chapter added by Ordinance No. 161853,
effective May 27, 1989.)

Sections:

- 3.107.010 Created - Appointments.
- 3.107.020 Duties.
- 3.107.030 Meetings.
- 3.107.040 Chairperson.
- 3.107.050 Rules - Quorum.
- 3.107.060 Staff.

3.107.010 Created - Appointment.

(Amended by Ordinance No. 168939, effective June 14, 1995.) There hereby is created the Water Quality Advisory Committee. The Committee shall consist of nine members, appointed by the Commissioner In Charge of the Bureau of Water Works and confirmed by the Council. Appointments shall be for terms of 3 years except that 4 of the initial appointments shall be for terms of 2 years. When a vacancy occurs, the Commissioner In Charge shall appoint and the Council shall confirm a member to fill a new 3-year term. The Commissioner In Charge of the Bureau of Water Works may remove a member from the Committee at any time, subject to approval by the Council. The Commissioner In Charge of the Bureau of Water Works shall appoint members to the Committee with expertise or association in areas such as water quality, water treatment, public health policy, the environmental community, civic and business organizations, major industrial or commercial users, neighborhood associations and the public at large of which at least 3 members shall have relevant technical expertise. Committee members may serve a maximum of two 3-year terms, with the 4 appointees serving the initial terms of 2 years to serve a total maximum of 5 years. Within the maximum service limit of 6 years the Council may extend, for a period of less than 3 years, the terms of committee members who were appointed to serve or who have served the balance of a retiring committee member's term. All members shall serve without compensation from the City.

3.107.020 Duties.

The Committee shall act in an advisory capacity to the City Council through the Commissioner In Charge of the Bureau of Water Works as follows:

- A. The Committee shall have the authority to offer policy advice to the Council and the Bureau of Water Works on issues such as management of the Bull Run Watershed, protection of groundwater quality, and other related water quality issues.
- B. The Committee shall have the authority to issue periodic reports to the Council and the Bureau of Water Works.
- C. The Committee shall have the authority to inform the public at large and take public testimony before offering policy advice to the Council and the Bureau of Water Works.

3.107.030 Meetings.

The Committee shall have the authority to conduct public meetings to gather input; the Committee shall provide for notification no less than 5 days prior to the meeting to the general public.

3.107.040 Chairperson.

A chairperson shall be elected annually from among the Committee members by a majority vote of a quorum. The Chairperson shall serve for a period of 1 year. A vacancy in the Chairperson's position shall be filled from among Committee members by majority vote of a quorum as soon as practical after the vacancy occurs.

3.107.050 Rules - Quorum.

The Committee shall establish its own rules and provide procedures for consideration or action on all matters before the Committee. Such rules and procedures may be adopted and amended only upon an affirmative vote of five or more Committee members. Election of officers and regular business shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote. Provisions shall be made for public participation in Committee meetings.

3.107.060 Staff.

The Committee shall be staffed by personnel from the Bureau of Water Works and such additional staff or consultants as may be deemed necessary by the City Council for the committee to fulfill its responsibilities.

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Chapter 3.110

**BUREAU OF HYDROELECTRIC
POWER**

(Chapter added by Ordinance No. 147822,
effective July 9, 1979.)

Sections:

- 3.110.010 Creation and Function.
- 3.110.020 Jurisdiction.

3.110.010 Creation and Function.

(Amended by Ordinance No. 161850, effective May 27, 1989.) There is hereby established a Bureau of Hydroelectric Power. The Bureau shall be administered by a Bureau Manager and shall have such other employees as the Council may provide. The Bureau shall supervise the construction and administer the operation of hydroelectric generating facilities owned by the City. It shall perform the duties and responsibilities required by any Federal Energy Regulatory Commission license and any agreements for the disposition of energy. The Bureau of Hydroelectric Power shall report to the Administrator of the Bureau of Water Works.

3.110.020 Jurisdiction.

The Bureau shall supervise the construction and administer the operation of the City owned hydroelectric power generating facilities.

Chapter 3.111

**OFFICE OF
SUSTAINABLE DEVELOPMENT**

(Chapter repealed by Ordinance No. 182671,
effective May 15, 2009.)

Chapter 3.112

**SUSTAINABLE DEVELOPMENT
COMMISSION**

(Chapter repealed by Ordinance No. 184046,
effective September 10, 2010.)

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Chapter 3.114

OFFICE FOR COMMUNITY TECHNOLOGY

(Chapter added by Ordinance No. 149053;
amended by Ordinance Nos. 151338, 160424 and 184882,
effective September 21, 2011.)

Sections:

- 3.114.010 Creation.
- 3.114.020 Functions.
- 3.114.030 Jurisdiction.
- 3.114.040 Policy.
- 3.114.050 Administration.

3.114.010 Creation.

(Amended by Ordinance No. 185568, effective September 28, 2012.) There is hereby established an Office for Community Technology. The Office shall be supervised by a manager who shall report to the Director of the Revenue Bureau, as provided under Subsection 3.15.060 A., or the Director's designee. As used in this Chapter and elsewhere in the City Code when referring to the Office for Community Technology, the term "Director" shall mean the Director of the Revenue Bureau or the Director's designee. The Office shall have such other employees as the Council may provide.

3.114.020 Functions.

(Amended by Ordinance No. 181155, effective August 17, 2007.)

- A.** The Office shall be responsible for coordinating Citywide broadband planning, communications policy advocacy, technology grants and related consumer protection activities.
- B.** The Office shall be responsible for supervising and coordinating all franchising processes engaged in by the City, for monitoring the performance of all franchisees for franchise compliance and for performing all other necessary work relating to franchises in the City.
- C.** The Office shall be responsible for promoting the orderly development of City-owned or City-partnered broadband and cable communication systems, for providing staff support needed by the Mt. Hood Cable Regulatory Commission and for performing all other necessary work related to broadband planning,

communications policy advocacy, related technology grants and cable communications in the City.

- D.** The Office shall be responsible for overseeing franchise and utility audits and revenues in coordination with the City Auditor's Office, the Office of Management and Finance and other City agencies and bureaus.

3.114.030 Jurisdiction.

- A.** The Office shall have jurisdiction over all franchisees and utility licensees. The Office shall have jurisdiction over all public or private utilities or other entities seeking similar rights to use City rights-of-way.
- B.** The Office shall have jurisdiction over all cable communications and broadband policy matters affecting the City of Portland.

3.114.040 Policy.

In order to establish and ensure a stable, predictable basis for long-term relations, it is the policy of the City of Portland that public or private utilities and other entities seeking similar rights to utilize City rights-of-way should be subject to franchise agreements with the City.

3.114.050 Administration.

(Added by Ordinance No. 185059, effective December 7, 2011.)

- A.** In exercising the Office's jurisdiction under Subsection 3.114.030 A. over the use of City rights-of-way by franchisees, licensees and permittees, the Director may adopt procedures, forms, written policies, and rules to ensure orderly administration.
 - 1.** Before adopting a new rule, the Director must hold a public hearing. Prior to the hearing, the Director will notify the public and affected franchisees, licensees, and permittees under the jurisdiction of the Office. Such notice, which may be provided by mail or electronic means, must be distributed not less than ten or more than thirty days before the hearing. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.
 - 2.** At the public hearing, the Director will receive oral and written testimony concerning the proposed rule. The Director will either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the public hearing. If a substantial modification is made, additional public review will be conducted, but no additional public notice is

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required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Office. Copies of all current rules will be posted on the Office's website and made available to the public upon request.

3. Notwithstanding Subsections 3.114.050 A.1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 days.

Chapter 3.115

MT. HOOD CABLE REGULATORY COMMISSION

(Chapter replaced by Ordinance No. 181155,
effective August 17, 2007.)

Sections:

- 3.115.010 Definitions.
- 3.115.020 Cable Regulatory Commission.
- 3.115.030 General Powers & Duties.
- 3.115.040 Portland Community Media.
- 3.115.060 Annexations.
- 3.115.070 Cable Television Consumer Protection.
- 3.115.080 Definitions.
- 3.115.090 Local Office and Office Hours.
- 3.115.100 Telephone Answering Standard.
- 3.115.110 Installations, Disconnections, Outages And Service Calls.
- 3.115.120 Notice Requirements.
- 3.115.130 Billing.
- 3.115.140 Reporting.

3.115.010 Definitions.

Unless the context indicates otherwise, words used in this Chapter have the following meanings:

- A. **"Agreement"** means the Intergovernmental Agreement creating the Mt. Hood Cable Regulatory Commission among and between the various Jurisdictions, dated December 24, 1992, including later amendments approved by the City Council.
- B. **"Commission"** means the Mt. Hood Cable Regulatory Commission.
- C. **"Franchise"** means an ordinance approved by the City Council authorizing use of the City's public right-of-way for operation of a cable communications system.
- D. **"Grantee"** means any person authorized by a franchise agreement to construct, operate and maintain a cable communications system within the City of Portland.

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3.115.020 Cable Regulatory Commission.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** The City is a party to the Intergovernmental Agreement dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission. The Intergovernmental Agreement establishes the responsibilities and powers of the Commission, as delegated by the various participating jurisdictions. The City Council approved the City of Portland's participation in the MHCRC by Ordinance No. 166168, enacted on January 20, 1993.
- B.** As provided in the Agreement, the City is represented by three members on the Commission, appointed by the Commissioner in Charge of the Office for Community Technology and confirmed by the Council. Appointments are for staggered terms of 3 years. When an interim vacancy occurs, the Commissioner in Charge appoints, and the Council confirms, a member to fill the balance of the unexpired term. All members representing the City must be residents of the City. The Commissioner in Charge shall appoint members to the Commission so as to provide for an appropriate level of expertise taking into account the powers and duties of the Commission and in making appointments shall take into consideration the desirability of diverse representation, including without limitation, of racial and ethnic minorities, gender, different geographic areas, and different socioeconomic groups. All members shall serve without compensation from the City or from any grantee. No member may have an ownership interest in any grantee. The Commissioner in Charge may remove a member appointed by the City from the Commission at any time, subject to approval by the Council.

3.115.030 General Powers & Duties.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** To the extent provided in the Agreement and in this Chapter, the Commission may exercise all cable communications system regulatory powers of the City over grantees operating within the City, whether such powers are granted to the City by law or under franchises issued to grantees.
- B.** The Commission shall act in an advisory capacity to the City Council through the Commissioner in Charge of the Office for Community Technology on all other matters pertaining to franchise agreements to construct, maintain and operate cable communications systems or proposed franchise agreements for such systems.
- C.** All powers granted to the Commission by the Agreement shall be subject to the provisions of franchises issued to grantees.. In the event of any conflict between

the Agreement and a grantee franchise, the provisions of the franchise shall prevail.

- D.** The Commission may adopt such regulations as it deems necessary or desirable in order to exercise its powers and carry out its duties under the Agreement and this Chapter.

3.115.040 Portland Community Media.

(Amended by Ordinance No. 184882, effective September 21, 2011.) The Mayor and the Commissioner in Charge of the Office for Community Technology shall each appoint one member of the board of directors of Portland Community Media, for staggered terms of two years. All appointments shall be confirmed by the Council. In appointing these directors, consideration shall be given to representation on the board of directors of the fields of arts, education, government, and community media; and of diverse representation including, without limitation, racial and ethnic minorities, non-English speaking people, gender, and low-income people. In addition, the Commission shall appoint one non-voting ex-officio director of the Portland Community Media board of directors.

3.115.060 Annexations.

- A.** In the event the City annexes territory for which another public body having jurisdiction to issue a franchise has issued a franchise to construct, operate and maintain a cable communications system, then franchisee's rights and obligations shall continue after annexation as they existed before annexation until expiration of that franchise, except that:
- 1.** After annexation the City shall have all rights under the franchise of the issuing public body, including without limitation all rights to regulate, to collect and use franchise fees, regulation of system construction and operation within the annexed area, and rights to insurance, indemnification and other protections; and
 - 2.** After annexation the franchisee's obligations under the franchise regarding system construction and operation and other franchise requirements within the annexed area shall be to the City rather than to the issuing public body.
- B.** Nothing in this Section shall be deemed to modify the rights or obligations of the City or grantees under other franchises.

3.115.070 Cable Television Consumer Protection.

On behalf of the City, the Commission shall enforce the cable television consumer protection standards set forth in Sections 3.115.080 through 3.115.140.

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3.115.080 Definitions.

Unless the context indicates otherwise, words used in Sections 3.115.080 through 3.115.140 have the following meanings:

- A. “Normal Business Hours”** means those hours during which most similar businesses in the City are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week and some weekend hours.
- B. “Normal Operating Conditions”** means those service conditions which are within grantee’s control. Conditions which are not within grantee’s include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the grantee’s control include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system. Grantees must adjust staffing and operations to maintain compliance with the service standards in anticipation of events and conditions within grantee’s control.
- C. “Service Interruption”** means the loss of picture or sound on one or more cable channels.

3.115.090 Local Office and Office Hours.

Grantees shall have customer service center and bill payment locations open at least during Normal Business Hours. Grantees shall locate customer service center and bill payment offices at locations that are convenient to subscribers and the public. Grantee customer service centers must be adequately staffed and able to respond to subscribers and the public not less than 50 hours per week, with a minimum of nine hours per day on weekdays and five hours on weekends excluding legal holidays. As used herein, "adequately staffed" means customer service representatives are available to respond to customers who come to the service center in at least the following ways:

- A.** To accept payments;
- B.** To exchange or accept returned converters or other company equipment;
- C.** To respond to inquiries; and
- D.** To schedule and conduct service or repair calls.

3.115.100 Telephone Answering Standard.

- A. Cable system office hours and telephone availability.** Grantees shall maintain a local, toll-free or collect call telephone access line which shall be available to its

subscribers 24 hours a day, seven days a week. Grantees shall provide, in at least one prominent location, an easily identifiable telephone number for local customer service on all bills, account statements or statements of service to grantee subscribers. Toll-free telephone lines, either staffed or with answering capability, providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays. Grantee must have trained representatives available to respond to customer telephone inquiries during Normal Business Hours. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by grantee after Normal Business Hours must be responded to by a trained representative on the next business day.

- B. Telephone Answering Time.** Under Normal Operating Conditions, telephone answer time by grantee's customer representatives including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. Grantees shall meet these standards no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a calendar quarterly basis.
- C. Busy Phones.** Under Normal Operating Conditions, the customer shall receive a busy signal less than three (3) percent of the time.

3.115.110 Installations, Disconnections, Outages And Service Calls.

Under Normal Operating Conditions, grantees shall meet each of the following standards shall be met no less than ninety five (95) percent of the time measured on a quarterly basis:

- A.** Standard installations shall be performed within seven (7) business days after an order has been placed.
- B.** Under Normal Operating Conditions, grantee shall begin work on Service Interruptions promptly and no later than 24 hours after the interruption becomes known. Grantee must begin working on other service problems the next business day after notification of the service problem. Working on Service Interruptions must be more than merely acknowledging that a service interruption has occurred.
- C.** The appointment alternatives for installations, service calls and other installation activities shall be either a specific time or, at maximum, a four-hour time block during Normal Business Hours. Grantee may schedule service calls and other installation activities outside of Normal Business Hours for the express convenience of the customer.
- D.** Grantee shall be deemed to have honored a scheduled appointment under the provisions of this section when a technician arrives within the agreed upon time

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and, if the subscriber is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the grantee.

- E.** Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. Rescheduling an appointment is an independent obligation and does not necessarily excuse the missed appointment.
- F.** If grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer.

3.115.120 Notice Requirements.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- A.** Notifications to subscribers. Grantee shall provide written information on each of the following areas at the time of service installation, at least annually to all subscribers, and at any time upon request:
 - 1.** Products and services offered;
 - 2.** Prices and options for programming services and conditions of subscription to programming and other services;
 - 3.** Installation and service maintenance policies;
 - 4.** Instructions on how to use the cable service;
 - 5.** Channel positions programming carried on the system; and,
 - 6.** Billing and complaint procedures, including the address and telephone number of the City's Office for Community Technology.
- B.** Grantee shall notify customers of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the grantee. In addition, grantee shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by this Section. Grantees are not required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency,

State, or franchising authority on the transaction between the operator and the subscriber.

3.115.130 Billing.

- A. Bill Statements.** Grantee bills shall be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits. In case of a billing dispute, grantee must respond to a written complaint from a subscriber within seven (7) calendar days.
- B. Refunds.** Grantee shall issue refund checks promptly to customers, but no later than either the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier. Grantee may withhold a refund pending the customer returning the equipment supplied by grantee if service is terminated.
- C. Credits.** Grantee shall issue credits for service no later than the customer's next billing cycle following the determination that a credit is warranted.

3.115.140 Reporting.

Grantees shall file reports to the Commission on a quarterly basis showing the performance of grantee customer service standard obligations under Sections 3.115.080 through 3.115.140. The quarterly reports shall cover the periods January 1 through March 31; April 1 through June 31; July 1 through September 31; and October 1 through December 31. The reports shall be due no later than 30 days following the end of a quarter. The reports shall include, at a minimum, figures and narrative indicating performance of the following standards for:

- Local office hours
- Telephone call center hours
- Telephone answering
- Busy signal statistics
- Standard installations
- Service interruptions
- Appointment windows: made, cancelled, and rescheduled
- Notice requirements
- Billing (refunds and credits)

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Chapter 3.116

WATERWAYS ADVISORY COMMITTEE

(Chapter added by Ordinance No. 150413,
effective September 17, 1980.)

Sections:

- 3.116.010 Created - Organization.
- 3.116.020 Procedures and Rules.
- 3.116.030 Duties.

3.116.010 Created - Organization.

(Amended by Ordinance Nos. 182671 and 184046, effective September 10, 2010.) There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Planning and Sustainability to be known as the Waterways Advisory Committee, consisting of not less than 7 nor more than 11 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years at the pleasure of the Commissioner In Charge. The president of the Planning and Sustainability Commission or his or her representative shall be a member of the Committee.

3.116.020 Procedures and Rules.

The Waterways Advisory Committee shall establish its own rules, bylaws, and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at such time as is set by the body at any other time at the call of the Chairman.

3.116.030 Duties.

(Amended by Ordinance No. 184046, effective September 10, 2010.) Members of the Waterways Advisory Committee shall:

- A.** Review any zoning Code amendment relating to waterways before it is presented to the Planning and Sustainability Commission, make its finds available to the Planning Commission and City Council;
- B.** Review and comment to the Planning and Sustainability Commission and City Council on public or private riverfront development proposals that are potentially in conflict with the City's Greenway Plan.

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- C.** Identify opportunities for City encouragement of commercial, residential, recreational, transportational and educational development that fulfills public goals.
- D.** Review the status of plans for publicly constructed segments of the Greenway path and suggest priorities for those segments.
- E.** Make recommendations to the Planning and Sustainability Commission and City Council for the development of City procedure to facilitate applicants' needs for a speedy and certain regulatory process and City policies consistent with such a goal.
- F.** Make recommendations to the Planning and Sustainability Commission and City Council on City policies governing use and development of the City's waterways.

Chapter 3.120

METROPOLITAN ARTS COMMISSION

(Chapter added by Ordinance No. 157240;
repealed by Ordinance No. 168592,
effective March 8, 1995.)

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Chapter 3.122

**ECONOMIC IMPROVEMENT
DISTRICTS**

(Chapter replaced by Ordinance No. 164665,
effective September 18, 1991.)

Sections:

- 3.122.010 Purpose.
- 3.122.020 Definitions.
- 3.122.030 Council Control.
- 3.122.040 Statutory Provisions Applicable.
- 3.122.050 Preliminary Institution of Economic Improvement District
- 3.122.060 Final Plan and Ordinance Preparation.
- 3.122.070 Consideration of Final Plan and Ordinance.
- 3.122.080 Notice to Owners.
- 3.122.090 Exemption Process.
- 3.122.100 Hearing and Resolution Establishing District.
- 3.122.110 Preparation and Notice of Assessments.
- 3.122.120 Hearing on Assessments.
- 3.122.130 Amendments to Ordinance.
- 3.122.140 Limitation on Assessments.
- 3.122.150 Limitation on Boundaries.
- 3.122.160 Continuation of Assessments.
- 3.122.170 Expenditure of Moneys.
- 3.122.180 Cost of Administration.
- 3.122.190 Limitation on Expenditures.
- 3.122.200 Administration
- 3.122.210 Early Termination.
- 3.122.220 Surplus.
- 3.122.230 Entry and Collection of Assessments.

3.122.010 Purpose.

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District, although the administration and operation may be carried out by

others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

3.122.020 Definitions.

The following words and phrases when used in this Chapter shall have the following meanings, except where the context requires a different meaning:

- A. “Advisory Committee”** means a committee of persons representative of the owners and tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.
- B. “Commissioner In Charge”** means the commissioner in charge of the lead bureau.
- C. “Economic Improvement”** means:
 - 1. The planning or management of development or improvement activities.
 - 2. Landscaping, maintenance and provision of security for public areas.
 - 3. The promotion of commercial activity or public events.
 - 4. The conduct of activities in support of business recruitment and development.
 - 5. The provision of improvements in parking systems or parking enforcement.
 - 6. Any other economic improvement activity that specially benefits property. “Economic improvement” does not include any services to be provided on private property.
- D. “Preliminary Economic Improvement Plan”** means a plan prepared by the property owners or tenants within the proposed District or their designees setting out:
 - 1. A description of economic improvements proposed to be carried out;
 - 2. The number of years, to a maximum of three, in which assessments are proposed to be levied;

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3. A preliminary estimate of annual cost of the proposed economic improvements;
4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;
5. The proposed formula for assessing the cost of the economic improvements against subject properties;
6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District;
7. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
 - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
8. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.

E. “Final Economic Improvement Plan” means a plan setting out:

1. A description of economic improvements to be carried out;
2. The number of years, to a maximum of three, in which assessments will be levied;
3. The annual cost of the proposed economic improvements;
4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;
5. The formula for assessing the cost of the economic improvements against subject properties;

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6. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
 - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
 7. The cost of City administration of the Economic Improvement District.
- F.** “**Lead bureau**” means the City office, bureau or commission determined by the Mayor to have the principal interest in a proposed Economic Improvement District.
- G.** “**Lot**” means a lot, block, or parcel or land.
- H.** “**Owner**” means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.
- I.** “**Subject Properties**” means the real property within an Economic Improvement District except for Exempt Property.
- J.** “**Exempt Property**” means:
1. Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and non-residential purposes, the land on which the structure is located shall not be Exempt Property. For purposes of this subsection, “residential real property” and “residential purposes” shall not include hotels and hotel uses, as defined in Section 33.12.420 of this Code, and motels and motel uses, as defined in Section 33.12.560 of this Code, but shall include hotel and hotel uses if, for the entire hotel or entire hotel use:
 - a. The average rent per unit is less than \$2 per day, or
 - b. A majority of the units regularly are occupied by the same tenants for more than 30 consecutive days, or
 - c. A majority of the units regularly are occupied by occupants who pay for lodging on a monthly basis.

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2. Property owned or being purchased by religious organizations including:
 - a. All houses of public worship; and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips, and furniture therein. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this Section shall not be exempt property.
 - b. Parking lots used for parking or any other use as long as that parking or other use is permitted without charge.
 - c. Land and the buildings thereon held or used solely for cemetery or crematory purposes, including any buildings solely used to store machinery or equipment used exclusively for maintenance of such lands.

K. “Task Force” means a committee whose membership consists of representatives of those City offices, bureaus, and commissions that have a significant interest in a proposed Economic Improvement District and a representative appointed by the Advisory Committee. The City Auditor or a representative designated by the City Auditor shall be a member of each Task Force.

3.122.030 Council Control.

Whenever the Council determines that economic improvements would be appropriate and would afford a special benefit to subject properties within a particular District, the Council, subject to the provisions of this Chapter, may establish an Economic Improvement District and provide for payment of all or a portion of the cost by collection of assessments on either a mandatory or voluntary basis. The Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District. This Chapter shall not give to any person the right to have an Economic Improvement District established.

3.122.040 Statutory Provisions Applicable.

Statutory provisions applicable to Economic Improvement Districts shall be followed by the City and by owners in all cases. The provisions of this Chapter are intended to supplement and to implement the statutory provisions.

3.122.050 Preliminary Institution of Economic Improvement District.

- A.** The Council shall consider creation of an Economic Improvement District whenever owners of Subject Properties file with the Auditor a petition for the establishment of a District containing the signatures of the owners of 33 percent or more of the area or of the assessed value of subject properties within the proposed District or whenever a City Commissioner or the Mayor files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.

- B.** The Council may adopt a resolution directing the lead bureau to begin the Economic Improvement District formation process if the Council finds that:

 - 1.** The costs of administering the proposed Economic Improvement District would not be substantial in relationship to the cost of the economic improvements;
 - 2.** It is not likely that the economic improvements would be satisfactorily and equitably accomplished except through establishment of the Economic Improvement District;
 - 3.** Establishment of the Economic Improvement District would be in the public interest;
 - 4.** In the case of a District intended to impose a mandatory assessment, that the assessment can be accommodated within the property tax limitation and City budget; and
 - 5.** The economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.

- C.** The resolution may contain such revisions to the preliminary economic improvement plan as the Council deems appropriate based on the criteria set out in Paragraphs 1 through 5 of this Subsection and shall designate those City offices, bureaus, and commissions to be represented on the task force for the proposed District.

- D.** Upon adoption by the Council of a resolution under Subsection B of this Section, the Mayor shall designate a lead bureau for the proposed Economic Improvement District from among those designated to be represented on the task force and shall refer the matter to the Commissioner In Charge.

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- E.** Immediately following the referral under Subsection D of this Section, the Commissioner In Charge shall appoint an advisory committee to assist the task force in development of the final economic improvement plan. The Commissioner shall strongly consider appointment of owners of property within the Economic Improvement District to the advisory committee. The Commissioner may appoint as the advisory committee an existing association of property owners or tenants or both. The task force shall encourage participation of the advisory committee in the plan development and administration process. The advisory committee shall appoint a representative to the task force.

3.122.060 Final Plan and Ordinance Preparation.

- A.** Immediately following Council adoption of a resolution under Section 3.122.050 B, the head of each office, bureau and commission to be represented on the task force shall appoint its representative and the City Auditor shall appoint the city Auditor's representative, by notification to the head of the lead bureau.
- B.** The City Auditor's representative shall provide to the task force a report setting out:
 - 1.** Whether the petitioners under Section 3.122.050 A are owners of subject property in the proposed District;
 - 2.** Delinquencies in taxes or City liens on subject properties in the proposed District;
 - 3.** The true cash value of all real property located within the proposed District; and
 - 4.** The zoning of land within the District, including verification that only land zoned for commercial or industrial use is included within the District.
- C.** The lead bureau shall be responsible for preparing the documents referred to in Subsection D.
- D.** The task force shall prepare for the Commissioner In Charge a report recommending whether the owners of property within the proposed Economic Improvement District shall be formally notified of the proposal to establish the District, taking into consideration the criteria set out in Section 3.122.050 B. If the report recommends formal notification, the report shall include a proposed Final Economic Improvement Plan and the report of the City Auditor's representative provided under Subsection B. The report also shall include a proposed ordinance that:

1. States the Council's intention to proceed with formal notification regarding the proposed Economic Improvement District;
2. States whether the assessments will be mandatory or voluntary;
3. Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and
4. Directs notice to be given in the manner provided by PCC 3.122.080.

3.122.070 Consideration of Final Plan and Ordinance.

- A. If the Commissioner in Charge deems it appropriate, the Commissioner shall file for Council consideration the report and ordinance prepared under Section 3.122.060 D.
- B. On consideration of the report and ordinance, the Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the ordinance. If the Council determines that the proceedings for the proposed Economic Improvement District should go forward, the Council shall adopt the ordinance including any modifications.

3.122.080 Notice to Owners.

- A. Following adoption of the ordinance under Section 3.122.070 B, the Auditor shall mail notice to the property owners within the proposed Economic Improvement District which contains the following information:
 1. The Council's intent to form an Economic Improvement District.
 2. Benefitted properties will be assessed unless it is a voluntary assessment in which case only property owners who specifically request to be assessed will be assessed. An owner who fails to submit a written objection before or at the public hearing on assessment shall be deemed to have made a specific request to be assessed.
 3. The formula for determining the amount of the assessment.
 4. The scope of the improvements and that the description of the boundaries of the proposed District and the full scope of the project are on file with the Auditor and where the file can be viewed. It should state that:

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- a.** In the case of a voluntary assessment the scope and level of the improvements may be reduced depending on the amount of money collected; or
 - b.** In the case of a mandatory assessment the scope and level of the improvements may be reduced if the amount of the assessment is compressed to fit within the property tax limitation imposed by the Oregon Constitution, Art. XI § 11b.
- 5.** The estimated cost of the proposal, and that it may be reduced to the amount of money actually received.
- 6.** The date, time and place of the hearing and that the proposal could be modified as a result of public testimony.
- 7.** The classification or types of properties which are exempt and that a request for an exemption on an enclosed form must be filed not later than 21 days after the notice is mailed.
- 8.** In the case of a voluntary assessment that it is an incurred charge and is not a tax and is a charge outside the property tax limitations in the Oregon Constitution, Art. XI, §11b.

3.122.090 Exemption Process.

- A.** Property within the proposed District is conclusively presumed subject to assessment unless the owner files with the Auditor a claim for exemption not later than 21 days after the date of mailing or personal delivery of the notice.
- B.** The Auditor, in his or her discretion, may audit a claim or claims for exemption to determine whether property claimed to be exempt from assessment is exempt property. The audit may include review of such evidence as the Auditor deems appropriate and may include a viewing of the property. In the event the Auditor determines that the property for which an exemption is claimed is not exempt, the Auditor shall give the owner written notice of the determination and the reasons , by mail or personal delivery. The notice shall give the owner 10 days time within which to provide written evidence as to why the property is exempt. In the event the owner provides no written evidence within the time allowed, the property conclusively shall be presumed not to be exempt property. In the event the owner submits written evidence, the Auditor shall review the evidence and either approve or disapprove the claim for exemption and provide written notice to the owner, including a statement of the reasons for the Auditor's decision. The Auditor's approval or disapproval following review of the evidence shall be final.

3.122.100 Hearing and Resolution Establishing District.

- A.** The Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.

- B.** If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

3.122.110 Preparation and Notice of Assessments.

- A.** Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the Auditor shall prepare the proposed assessment for each lot in the District that is a subject property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.

- B.** Following preparation of the proposed assessments, the Auditor shall mail to the owner of each lot to be assessed a notice containing the following information:
 - 1.** The description of the property being assessed.

 - 2.** The name of the District and whether it is a voluntary or mandatory assessment. In the case of a voluntary assessment a statement that the property will be assessed unless the property owner specifically requests in writing not to be assessed.

 - 3.** The length of the District and the total cost of the project, the assessment formula, and the amount of the assessment on the property.

 - 4.** The assessment will not change unless the Council finds it exceeds the benefit of the improvements, but the total amount and scope of the improvements and level of services could change to correspond to the amount of money collected. Further, the scope of the improvements and level of services could change as a result of the testimony.

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5. The time, date and place of the hearing and that the following forms of objection may be filed:
 - a. A written objection to being assessed in which case no assessment will be placed on the property if it is a voluntary assessment. An owner who fails to submit a written objection before or at the public hearing shall be deemed to have made a specific request for the economic improvement service to be provided during the time specified in the assessment ordinance;
 - b. An objection to the amount of the assessment on the grounds it is incorrect or exceeds the amount of benefit; and
 - c. An objection to the formation of the District.
6. A written objection may be filed with the Auditor prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.
7. The assessment is due and payable immediately, and whether it may be paid in installments. The amount of interest if any and the fact there will be billing charges. The unpaid balance will become a lien on the property and failure to pay could result in foreclosure.
8. A voluntary assessment is an incurred charge and is a charge outside the property tax limitation imposed by the Oregon Constitution, Art. XI, §11b.
9. Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
10. The name and phone number of a City staff person who can answer questions.

3.122.120 Hearing on Assessments.

- A. The Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, shall be entitled to be heard.

- B.** Written objections shall be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the Auditor prior to commencement of the hearing. A written objection signed by a person purporting to have authority as agent or attorney to sign an objection on behalf of an owner shall be considered received from the owner only if there is included with the objection a copy in writing of the authority to act on behalf of the owner.
- C.** If the Council at the hearing receives written objections to the formation of the District from owners of property upon which more than 33 percent of the total value of assessments are levied, then the Economic Improvement District shall not be established and assessments shall not be made.
- D.** At the hearing, the Council shall consider any objections and may adopt, correct, modify, revise the proposed assessment ordinance. In the case of a voluntary assessment, the Council shall exclude from assessment property which the owner has requested be omitted from assessment. The request shall be made in writing and submitted prior to the close of the hearing.

3.122.130 Amendments to Ordinance.

- A.** At the hearing under Section 3.122.100, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070. The procedures required by Sections 3.122.080 and 3.122.100 shall be repeated if the amendment:
 - 1.** Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment;
 - 2.** Increases the likely assessment upon one or more properties; or
 - 3.** Enlarges the Economic Improvement District;
- B.** At the hearing under Section 3.122.120, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070 as subsequently amended. If the amendment increases the likely assessment upon one or more properties, then the procedures required by Sections 3.122.110 and 3.122.120 shall be repeated. The procedures required by Section 3.122.080 through 3.122.120 shall be repeated if the amendment:
 - 1.** Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment; or
 - 2.** Enlarges the Economic Improvement District.

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3.122.140 Assessments.

- A. The Council shall not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.
- B. Any new owner of benefitted property or any owner of benefitted property who excluded the property from assessment by submitting written objections may subsequently agree to the assessment of the property. The Council shall apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.
- C. The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

3.122.150 Limitation on Boundaries.

The Council shall not include within an Economic Improvement District any area of the City that is not zoned for commercial or industrial use.

3.122.160 Continuation of Assessments.

If the Council has established an Economic Improvement District and thereafter determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council shall enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance shall be subject to the procedures required by Sections 3.122.110 and 3.122.120.

3.122.170 Expenditure of Moneys.

Money derived from assessments levied under this Chapter and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with the advisory committee appointed under Section 3.122.050 D for the committee to provide all or part of the economic improvements described in the final economic improvement plan.

3.122.180 Cost of Administration.

The cost of City administration of an Economic Improvement District shall include the actual cost of administrative services provided by the City related to the District.

3.122.190 Limitation on Expenditures.

Money spent for carrying out a final Economic Improvement Plan shall be limited to

money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

3.122.200 Administration.

The task force for an Economic Improvement District shall be responsible for administration of the economic improvements to be carried out. With the concurrence of the head of the lead bureau, the task force may designate an employee of the lead bureau as the person responsible for day to day administration of the economic improvements. In the event the task force determines that the economic improvements should be performed by a contractor or contractors, the task force shall prepare for Council consideration contracts for the work. In each case, the contract for work shall include not less than the following:

- A. A description of the work to be done;
- B. A description of the method of compensation for the work;
- C. A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;
- D. A description of any liability to be born and insurance to be provided by the contractor; and
- E. A description of the rights of the City to terminate the contract prior to its completion.

3.122.210 Early Termination.

The City Council may terminate the activities of an Economic Improvement District in whole or in part prior to the normally scheduled termination date for the District by an ordinance. However, all applicable contract issues shall be resolved before activities are terminated. In the event of early termination, those funds remaining from assessments for the District, following payment of all obligations and costs of administration incurred on behalf of the District, shall be returned to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District. In the event of early termination of only a part of the activities of an Economic Improvement District, the City Council, in the termination ordinance, may elect to apply remaining funds on a similarly proportionate basis as a credit against future District assessments against subject properties, with any funds remaining being returned to the owners as otherwise provided herein.

3.122.220 Surplus.

In the event, following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on

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behalf of the District, there remain excess funds from assessments paid by owners of subject properties, then the City Council, by ordinance, shall provide for either:

- A.** The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;
- B.** Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent; or
- C.** Use of part of the excess funds as provided in B and return of the balance of the excess funds as provided in A.

3.122.230 Entry and Collection of Assessments.

- A.** On adoption of an assessment ordinance under Section 3.122.120 D, the City Auditor shall enter each assessment in the docket of City liens. All such assessments shall be collected in the same manner as local improvement assessments and failure to pay may result in foreclosure in the same manner as provided for other assessments.
- B.** The assessments may be paid in semi-annual payments, however the City may charge a billing fee.

3.122.240 Economic Improvement Fund.

(Repealed by Ordinance No. 170223, effective July 1, 1996.)

Chapter 3.123

PORTLAND UTILITY REVIEW BOARD

(Chapter replaced by Ordinance No. 177275,
effective March 21, 2003.)

Sections:

- 3.123.010 Created - Purpose.
- 3.123.020 Scope.
- 3.123.030 Membership.
- 3.123.040 Appointments - Composition.
- 3.123.050 Recruitment Process.
- 3.123.060 Terms.
- 3.123.070 Standing Committees.
- 3.123.080 Staffing.
- 3.123.090 Meeting Schedule.
- 3.123.100 By-Laws.
- 3.123.110 Annual Report and Work session.

3.123.010 Created - Purpose.

A Portland Utility Review Board is hereby created. The Board's purpose is to advise the City Council, on behalf of and for the benefit of the citizens of Portland, on water, sewer, stormwater and solid waste financial plans and rates. The Board will advise Council on the establishment of fair and equitable rates, consistent with customer needs, legal mandates, existing public policies, operational requirements, and the long-term financial stability and viability of the utilities.

3.123.020 Scope

The Board shall perform the following functions:

- A. Participation in the financial planning process. The Bureau of Water Works, the Office of Sustainable Development and the Bureau of Environmental Services use multi-year financial planning to prioritize programs and to project operating and capital costs associated with policies and programs, and to estimate overall rate impacts. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and re-do the plans annually. The Board will review the proposed financial plans and revisions, and submit its findings and recommendations to the Council as part of the City's annual financial planning process.

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- B.** Participation in the rate design process. The Board will make recommendations to the Council on the equitable distribution of rate adjustments among customer classes, as determined in the rate design process. The Board will report on proposed rate changes to the Council during the annual budget hearings and development processes for water, sanitary sewer, stormwater and solid waste rates. The Board will also participate in the periodic review and analysis of alternative rate designs proposed by Council. The Board shall report on other city activities or proposed policies with significant impacts to water, sewer and solid waste rates.
- C.** Relationship to other citizen advisory groups. The Council and the bureaus may form other groups, as necessary, to advise on utility matters. The Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.
- D.** Relationship to other interested parties. The Board's primary responsibility and duties are to advise the Council, and its deliberations and recommendations shall be directed to Council accordingly. The Board may also share the results of its deliberations and recommendations delivered to Council with interested individuals and groups including neighborhoods, business associations, and public interest groups.

3.123.030 Membership.

The Board shall have nine (9) permanent members. The Mayor shall appoint the Chair of the Board. Five members shall constitute a quorum of the Board.

3.123.040 Appointments - Composition.

- A.** General Criteria. All members must reside in or work predominantly in the City of Portland and have an interest in sewer, water and solid waste issues, such as system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, conservation or environmental concerns. In making appointments, the Mayor and City Council will attempt to have a range of professional and academic expertise, and volunteer experience, represented on the Board in disciplines such as accounting, civil engineering, conservation, environmental sciences, health sciences, public administration, urban planning, or utility economics. In making Board appointments, the Mayor and Council shall strive to have a Board which reflects the diversity of the Portland community, especially regarding customer classes, income levels, cultural and ethnic identity, geographic location, age and gender.

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- B.** Restrictions. No individual with any direct financial interest in a city utility or solid waste franchises, whether by ownership, employment, contract or otherwise, shall be appointed to or serve on the Board.
- C.** Board Appointments. Board members shall be appointed by the Mayor and confirmed by the Council. Any Council member may submit recommendations to the Mayor on potential appointments to the board. Nominations shall reflect four general categories:
- 1.** Residential Geographic Representation. The Mayor will seek nominations from neighborhood associations, district coalitions and residential customers (renters and land owners) in various City neighborhoods. Three seats shall be filled from residential geographic nominations. The Mayor will appoint members representing residential customers from each of three geographic areas within the City comprised of:
 - a.** West Portland - the area west of the Willamette River,
 - b.** Northeast/Southeast Portland - the area east of the Willamette River and west of Interstate 205, and
 - c.** East Portland - the area east of Interstate 205.
 - 2.** Public Interest Advocacy. The Mayor will seek nominations from organizations working to support low and moderate income issues, environmental concerns, senior, fixed income and special needs populations. Two seats shall be filled from public interest advocacy nominations. The council will strive to create diversity in making nominations for these two seats.
 - 3.** Large Commercial/Industrial Businesses: The Mayor will seek nominations from businesses which have a current industrial discharge permit, discharge at least 10,000 gallons per day of waste-water to the sewer system, or use 10,000 cubic feet of water per month. One seat shall be filled from commercial/industrial business nominations.
 - 4.** Local Businesses: The Mayor will seek nominations from businesses headquartered in the City that predominantly serve Portland-area residents. Retail, service or neighborhood businesses, and those not otherwise meeting the Large Commercial/Industrial category criteria, are eligible for inclusion in this category. One seat shall be filled from local business nominations.

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5. At-Large: To provide flexibility in meeting the Board's goal of membership diversity, the Mayor will appoint one member from applications received "at-large." Any individual or any group interested in participating on the Board may submit nominations in this category. Two seats shall be filled from At-Large nominations.

D. Council Liaisons. Each member of the City Council may appoint one member of their staff to serve as a representative of their office to the Board. These representatives shall serve as communications contacts and shall not have voting privileges.

3.123.050 Recruitment Process.

A. Board positions and vacancies will be announced to local media publications and broadcasts, including local neighborhood newspapers, cable stations and radio, with a goal of widespread outreach. Nomination requests will also be sent to the city's Neighborhood Associations and District Coalition Boards, to consumer advocacy and environmental interest groups, and to Business District associations. The City's standard Boards and Commissions application form shall be used, with all nominations to be submitted to the Mayor's office.

B. The City's staff to the Board shall develop and keep current a list of publications to meet the requirements described in Subsection A. of this Section.

C. City Council members shall also seek nominations for the Board through publications or communications generated in their offices.

3.123.060 Terms.

A. Board members will serve, without compensation, for a term of two years. The terms of each member shall run from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish.

B. No member may serve on the Board for more than six consecutive years. The Board shall develop a brief process and/or form for recommendations to the Mayor in regard to members desiring reappointment.

C. If any member of the Board is absent more than three regularly scheduled meetings of the Board during any twelve-month period, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the Board. The member's position shall thereafter be vacant and subject to appointment by the Mayor.

- D.** The Mayor may remove any member of the Board at his or her discretion for due cause, including but not limited to malfeasance or neglect of duties.

3.123.070 Standing Committees.

- A.** The Board may at any time establish standing committees of at least three individuals to address specific issues related to the Board's purpose.
- B.** The Board Chair, one other member of the Board, as approved by a majority vote of all Board members, and any Council liaisons to the Board will serve as the Board Executive Committee. The Executive Committee will facilitate on-going communication between the Board, the City Council, the Board staff, and the bureaus.
- C.** The Board may designate more specific roles and responsibilities for the Executive Committee and any standing committee in the Board by-laws.

3.123.080 Staffing.

The Office of Management and Finance will provide staffing for the Board, with logistical and topic-related support from the Bureau of Water Works, the Bureau of Environmental Services, the Office of Sustainable Development and other bureaus or agencies as needed.

3.123.090 Meeting Schedule.

The Board shall meet once monthly on a regular date established in the Board by-laws. Additional meetings may be scheduled during annual budget and rate review periods as determined by the Board Chair. The Board's Executive Committee and other standing committees will meet on an as-needed basis.

3.123.100 By-Laws.

The Board shall adopt by-laws to govern its procedures within the purposes of this chapter that shall not conflict with any portion of this ordinance and which are subject to the approval of the Commissioner in Charge of the Board. These by-laws shall include specifications concerning selection and tenure of standing committee chairs, division of responsibilities, attendance policies, meeting schedules, as well as communications between the Board and City agencies, the media and the general public, and any other appropriate matters.

3.123.110 Annual Report and Work session.

- A.** By September 30 of each year, the Board shall prepare and submit to the Council an annual report summarizing the work performed by the Board during the previous fiscal year (July 1 through June 30). The annual report shall include, but need not be limited to, a summary of issues reviewed and analyzed; a list of

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briefings and reports received from staff, outside experts and other informed parties; a summary of recommendations forwarded to the Council; and a summary of Council action on the recommendations.

- B.** Upon the completion of each Annual Report described in Subsection 3.123.110 A. of this section, the Board shall participate in a work session with the City Council. The purpose of this work session is to present the Annual Report and to create a work plan for the upcoming year.

Chapter 3.124

PORTLAND BUREAU OF
EMERGENCY MANAGEMENT

(Chapter replaced by Ordinance No. 184740;
Amended by Ordinance No. 185304,
effective June 1, 2012.)

Sections:

- 3.124.010 Definitions.
- 3.124.020 Portland Bureau of Emergency Management.
- 3.124.030 Purpose.
- 3.124.040 Organization.
- 3.124.050 Director's Powers and Duties.
- 3.124.060 Staff and Delegation.
- 3.124.070 Neighborhood Emergency Team Program.
- 3.124.080 Neighborhood Emergency Teams.
- 3.124.090 Neighborhood Emergency Team Leaders.

3.124.010 Definitions.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The following definitions apply to Chapters 3.124 through 3.126:

- A. “Comprehensive Emergency Management Plan (CEMP)” means a written document that describes the City’s overall emergency management plan. A CEMP specifies the purpose, organization, responsibilities and facilities of the agencies and officials of the City in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.
- B. “Director” means the director of the Portland Bureau of Emergency Management.
- C. “Emergency” means any natural, technological or human-made, event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.

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- D.** “Emergency Coordination Center (ECC)” means the centralized location where local officials gather during an emergency to coordinate emergency response activities and implement direction from the Mayor.
- E.** “Emergency Management” means an approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents.
- F.** “Emergency Notices” means information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.
- G.** “Emergency Plan” means an ongoing plan for responding to a wide variety of potential hazards.
- H.** “Incident” means an occurrence, natural or human-made, that requires a response to protect life or property in an emergency.
- I.** “National Incident Management System” (NIMS) means the Federal Government’s standardized framework of doctrines, concepts, principles, terminology, and organizational processes for emergency management.

3.124.020 Portland Bureau of Emergency Management.

(Amended by Ordinance No. 185304, effective June 1, 2012.) There is established by the City Council the Portland Bureau of Emergency Management (PBEM) as a part of the Mayor’s portfolio.

3.124.030 Purpose.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The purpose of PBEM is to centralize leadership and coordination of emergency management.

3.124.040 Organization.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall consist of the Director and such other employees as the Council may provide. The Director shall be immediately responsible to the Mayor and, thereafter, to the City Council.

3.124.050 Director's Powers and Duties.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Director of the Portland Bureau of Emergency Management’s duties and powers include, but are not limited to the following:

- A.** Overall administrative authority for the Office;

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- B.** Serve as principal strategic advisor to the Mayor concerning emergency management;
- C.** Implement policy directives of the City Council and the Disaster Policy Council and enforce the schedules and plans approved by them;
- D.** Manage the Emergency Coordination Center (ECC), establishing the overall structure, roles, responsibilities and direction for the operation of the ECC and ensuring that the ECC is appropriately sited, staffed, equipped, and maintained. The Director may reassign employees to ECC duties as required;
- E.** Maintain written emergency plans, including all chapters, annexes and appendices of the Comprehensive Emergency Management Plan (CEMP) and annually submit a report with any recommendations for revisions;
- F.** Maintain records documenting compliance with requirements of federal and state emergency management programs, including NIMS. When a bureau other than PBEM possesses such records, the bureau shall immediately produce them upon the request of the Director;
- G.** Develop and implement training and exercise programs for responders that test the effectiveness of the CEMP and other emergency management plans;
- H.** Develop and implement processes, procedures, and systems for communicating emergency notices to the public and responders about incidents;
- I.** Develop and implement programs to educate the public about emergency preparedness, including volunteer programs, and train citizens to assist in emergencies;
- J.** Evaluate the effectiveness of the City's response to an emergency event.

3.124.060 Staff and Delegation.

(Amended by Ordinance No. 185304, effective June 1, 2012.)

- A.** The Director may appoint an Operations Manager who is accountable to the Director and may appoint other personnel necessary to carry out the provisions of this Chapter, when in keeping with the adopted budget for PBEM or specially funded projects.
- B.** The Director may delegate to staff members any of the Director's duties.

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- C. In the event of an emergency, the line of succession for the PBEM is: Director, Operations Manager, Training and Exercise Manager, Planning Manager, and Planning Program Specialist.
- D. When a succession occurs, all duties and responsibilities of the Director are transferred to the successor and any delegations remain in place unless withdrawn by the new Director.

3.124.070 Neighborhood Emergency Team Program.

The purpose of the Neighborhood Emergency Team Program is to prepare neighborhoods for self-sufficiency during an emergency by providing individuals with information, training, and exercises related to emergency preparedness and response.

3.124.080 Neighborhood Emergency Teams.

- A. As part of the Neighborhood Emergency Team Program, the Director is authorized to:
 - 1. Create Neighborhood Emergency Teams (NET) and define the qualifications for membership therein;
 - 2. Develop written processes and procedures governing the conduct of members;
 - 3. Conduct or cause to be conducted such inquiries or investigations into the fitness of an individual to serve as a NET member that the Director believes are necessary and appropriate;
 - 4. Conduct or approve of ongoing training for NET members;
 - 5. Designate certain NET members as team leaders for the purpose of supervision;
 - 6. Dismiss or remove NET members.
- B. When acting as agents of the City, NET members are entitled to defense and indemnification pursuant to ORS 30.285.

3.124.090 Neighborhood Emergency Team Leaders.

- A. All NET members shall be immediately responsible to a team leader and thereafter the Director. The Director may dismiss or remove a NET Leader.

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- B.** NET leaders may designate one assistant for each five NET members or fraction thereof for purposes of maintaining adequate supervision of NET members during training or deployment.
- C.** NET leaders are responsible for the organization, ongoing training, communication with and operational safety of the NET members assigned to their teams.
- D.** NET leaders shall attend regularly scheduled meetings for the purposes of training and communicating with NET members.
- E.** NET leaders shall evaluate the performance of NET members and may recommend to the Director the dismissal or removal of NET members.

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Chapter 3.125

DISASTER POLICY COUNCIL

(Chapter replaced by Ordinance No. 184740,
effective July 13, 2011.)

Sections:

- 3.125.010 Disaster Policy Council.
- 3.125.020 Duties.
- 3.125.030 Membership.
- 3.125.040 Procedures.
- 3.125.050 Staff Support to Disaster Policy Council.

3.125.010 Disaster Policy Council.

The Disaster Policy Council (DPC) is hereby created for the purpose of promoting interbureau cooperation in furtherance of the City's integrated emergency management goals.

3.125.020 Duties.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The DPC's duties include, but are not limited to, the following:

- A. During an emergency, advise the Mayor on policy matters pertaining to management of the emergency;
- B. Approve strategic, response and work plans developed by the Portland Bureau of Emergency Management and the Emergency Management Steering Committee defining the City's emergency management program goals and priorities;
- C. Monitor individual bureau progress on work plan tasks, strategic plan tasks, and response plan updates. The Mayor, in consultation with the DPC, may compel bureaus to create and complete plans and updates;
- D. Convene meetings no less than twice a year whenever:
 - 1. The President of the City Council changes, in which case the meeting shall be held within one month of the change;
 - 2. Requested by the Mayor.

- E.** Keep records of meetings and decisions.

3.125.030 Membership.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The DPC shall consist of the following members:

- A.** The Mayor, who shall be Chair;
- B.** Commissioner serving as President of the City Council, who shall be Vice Chair;
- C.** Chief Administrative Office;
- D.** City Attorney;
- E.** City Auditor;
- F.** Director, Portland Bureau of Emergency Management;
- G.** Chief of Portland Fire & Rescue;
- H.** Chief of Portland Police Bureau;
- I.** Director, Bureau of Emergency Communications;
- J.** Administrator, Portland Water Bureau;
- K.** Director, Bureau of Transportation;
- L.** Director, Human Resources;
- M.** Director, Bureau of Environmental Services.
- O.** If the Mayor is unavailable to Chair the DPC, the duties shall be performed and authority exercised by the first of the City officials in the order of membership listed in Subsections A.-M. above who is able and available.

3.125.040 Procedures.

When the DPC is required to approve plans under subsection 3.125.020 C., the decision making process shall be by consensus. The consensus shall be determined by the Chair.

3.125.050 Staff Support to Disaster Policy Council.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the DPC, including recording and communicating its decisions.

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Chapter 3.126

EMERGENCY MANAGEMENT STEERING COMMITTEE

(Chapter replaced by Ordinance No. 184740,
effective July 13, 2011.)

Sections:

- 3.126.010 Emergency Management Steering Committee.
- 3.126.020 Duties.
- 3.126.030 Membership.
- 3.126.040 Staff Support to the Emergency Management Steering Committee.

3.126.010 Emergency Management Steering Committee.

The Emergency Management Steering Committee (EMSC) is hereby created for the purpose of assisting the Portland Office of Emergency Management in developing emergency management policies and procedures for incidents requiring significant interbureau coordination.

3.126.020 Duties.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC's duties include, but are not limited to, the following:

- A.** Assign lead author responsibility to specific bureaus for the development of emergency plans, including annexes and appendices to the CEMP, and approve schedules for plan completion, plan exercise, review and revision;
- B.** Develop strategic, response, and work plans in coordination with the Portland Bureau of Emergency Management defining the City's emergency program goals and priorities;
- C.** Devise bureau-specific protocols for mobilizing resources to respond to emergencies;
- D.** Assess individual Bureau compliance with emergency plans;
- E.** Keep records of decisions;

F. Convene meetings at least monthly and at other times as requested by the Director;

G. Make periodic reports to the Disaster Policy Council so that the DPC can fulfill its duty under PCC 3.125.020.

3.126.030 Membership.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC shall consist of qualified staff from the following Bureaus:

- A.** Water Bureau;
- B.** Portland Fire & Rescue;
- C.** Portland Police Bureau;
- D.** Bureau of Environmental Services;
- E.** Portland Parks & Recreation;
- F.** Bureau of Transportation;
- G.** Bureau of Emergency Communications;
- H.** Portland Bureau of Emergency Management;
- I.** Bureau of Development Services; and
- J.** Bureau of Technology Services.
- K.** Office of Neighborhood Involvement

3.126.040 Staff Support to the Emergency Management Steering Committee.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the EMSC.

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Chapter 3.127

BUREAU OF PORTLAND FIRE AND POLICE DISABILITY AND RETIREMENT

(Chapter added by Ordinance No. 180690,
effective December 20, 2006.)

Sections:

- 3.127.010 Bureau of Portland Fire and Police Disability and Retirement.
- 3.127.020 Purpose.
- 3.127.030 Organization.
- 3.127.040 Director's Powers and Duties.
- 3.127.050 Staff and Delegation.

3.127.010 Bureau of Portland Fire and Police Disability and Retirement.

In conjunction with Chapter 5 of the Charter of the City of Portland, there is established by the City Council, the Bureau of Portland Fire and Police Disability and Retirement as a part of the Mayor's portfolio and charged with the implementation of Chapter 5 of the Charter.

3.127.020 Purpose.

The purpose of this office is to administer Chapter 5 of the Charter of the City of Portland. This purpose may be accomplished by direction from the Board of Trustees of the Fire and Police Disability and Retirement Fund ("FPDR") and in accordance with the provisions of Chapter 5 of the Charter of the City of Portland.

3.127.030 Organization.

(Amended by Ordinance No. 180917, effective May 26, 2007.) The Bureau of Portland Fire and Police Disability and Retirement shall be directly responsible to its Board of Trustees and to the Mayor. Pursuant to Chapter 5 of the Charter, the FPDR Board shall have the powers listed in Section 5-202 of the Charter. Other bureaus may provide FPDR with necessary information and assistance in accordance with Chapter 5 of the Charter and include, but are not limited to, Portland Fire & Rescue, the Bureau of Police, and the Bureau of Human Resources.

3.127.040 Administrator's Powers and Duties.

The Administrator of the Fire and Police Disability and Retirement Fund shall:

- A. Be the Director of the Bureau of Portland Fire and Police Disability and Retirement, in accordance with Charter Chapter 5 Section 5-202;
- B. Be responsible for administering the terms of the FPDR plan;

- C.** Serve as the principle administrator of the FPDR plan and have the power to initially approve or deny claims filed with the FPDR and to subsequently suspend, reduce or terminate benefits as provided in Charter Chapter 5;
- D.** Lead and direct the activities of the staff of the FPDR;
- E.** Oversee and direct other agents or advisers of the FPDR including actuaries and attorneys;
- F.** Be responsible for integrating disability, retirement, and return-to-work programs with other bureaus within the City where applicable; and
- G.** Review and propose amendments as necessary to the FPDR to conform to changes in federal or state law and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

3.127.050 Staff and Delegation.

The Administrator may delegate to his or her staff members any of the Administrator's duties when the Administrator is not available or able to perform those duties.

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Chapter 3.128

OFFICE OF EQUITY AND HUMAN RIGHTS

(Chapter replaced by Ordinance No. 184880,
effective September 21, 2011.)

Sections:

- 3.128.010 Creation and Organization.
- 3.128.020 Purpose.
- 3.128.030 Director's Powers and Duties.

3.128.010 Creation and Organization.

There is established the Office of Equity and Human Rights. The Office of Equity and Human Rights shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge.

3.128.020 Purpose.

The purpose of the Office of Equity and Human Rights is to:

- A. Promote equity and reduce disparities within City government;
- B. Provide guidance, education and technical assistance to all bureaus as they develop sustainable methods to build capacity in achieving equitable outcomes and service;
- C. Work with community partners to promote equity and inclusion within Portland and throughout the region, producing measurable improvements and disparity reductions;
- D. Support human rights and opportunities for everyone to achieve their full potential; and
- E. Work to resolve issues rooted in bias and discrimination, through research, education, and interventions.

3.128.030 Director's Powers and Duties.

The duties of the Director of the Office of Equity and Human Rights include, but are not limited to:

- A. Overall administration of the Office and supervision of its staff;

**TITLE 3
ADMINISTRATION**

- B.** Implementing the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office;
- C.** Developing an annual work plan to organize and prioritize the work of the Office;
- D.** Working with the Human Rights Commission, the Portland Commission on Disability and all other City bureaus, offices, boards and commissions, as well as regional partners in government, business and the community, to increase equitable outcomes and reduce disparities;
- E.** Recommending implementation strategies, accountability mechanisms, evaluation standards, and specific actions to the City Council that will achieve the goals of the Portland Plan Equity initiative, and other equity and human rights policies adopted by City Council;
- F.** Providing reports to Council and the community annually and as requested.

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Chapter 3.129

HUMAN RIGHTS COMMISSION

(Chapter added by Ordinance No. 181670;
effective March 19, 2008.)

Sections:

- 3.129.010 Staffing and Membership.
- 3.129.020 Mission.
- 3.129.030 Jurisdiction.

3.129.010 Staffing and Membership.

(Amended by Ordinance No. 184880, effective September 21, 2011.) There is established in the City of Portland a Human Rights Commission. The Commission shall be staffed by the Office of Equity and Human Rights. The Commission shall consist of 11 to 15 members. All members shall serve without compensation. Appointments are for staggered terms of three years. No member may serve more than two consecutive three year terms. When a vacancy occurs, a Human Rights Commission workgroup – after consultation with the Commissioner in Charge of the Office of Equity and Human Rights – nominates, the Mayor appoints, and the Council confirms, a member to fill the vacancy. This same process shall be used when an interim vacancy occurs to appoint a member to fill the balance of the unexpired term. Members shall be appointed by the Mayor so as to provide representation from a reasonably broad spectrum of the community, including without limitation the following factors: areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the City of Portland. Members are encouraged to establish constructive relationships with each member of Council, the City Auditor and other elected officials. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commission and subject to approval by the Council.

3.129.020 Mission.

(Amended by Ordinance No. 184880, effective September 21, 2011.) The Human Rights Commission shall work to eliminate discrimination and bigotry, to strengthen intergroup relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland. In doing so, the Human Rights Commission shall be guided by the principles embodied in the United Nations Universal Declaration of Human Rights and by the Portland Plan Equity initiative. The Human Rights Commission shall report at least annually to the Council on the activities of the Human Rights Commission (to include any subcommittees or task forces as may

be established) on the progress of the Commission and any recommendations to the Council for further action.

3.129.030 Jurisdiction.

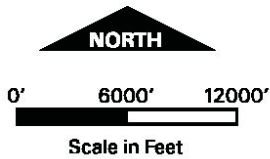
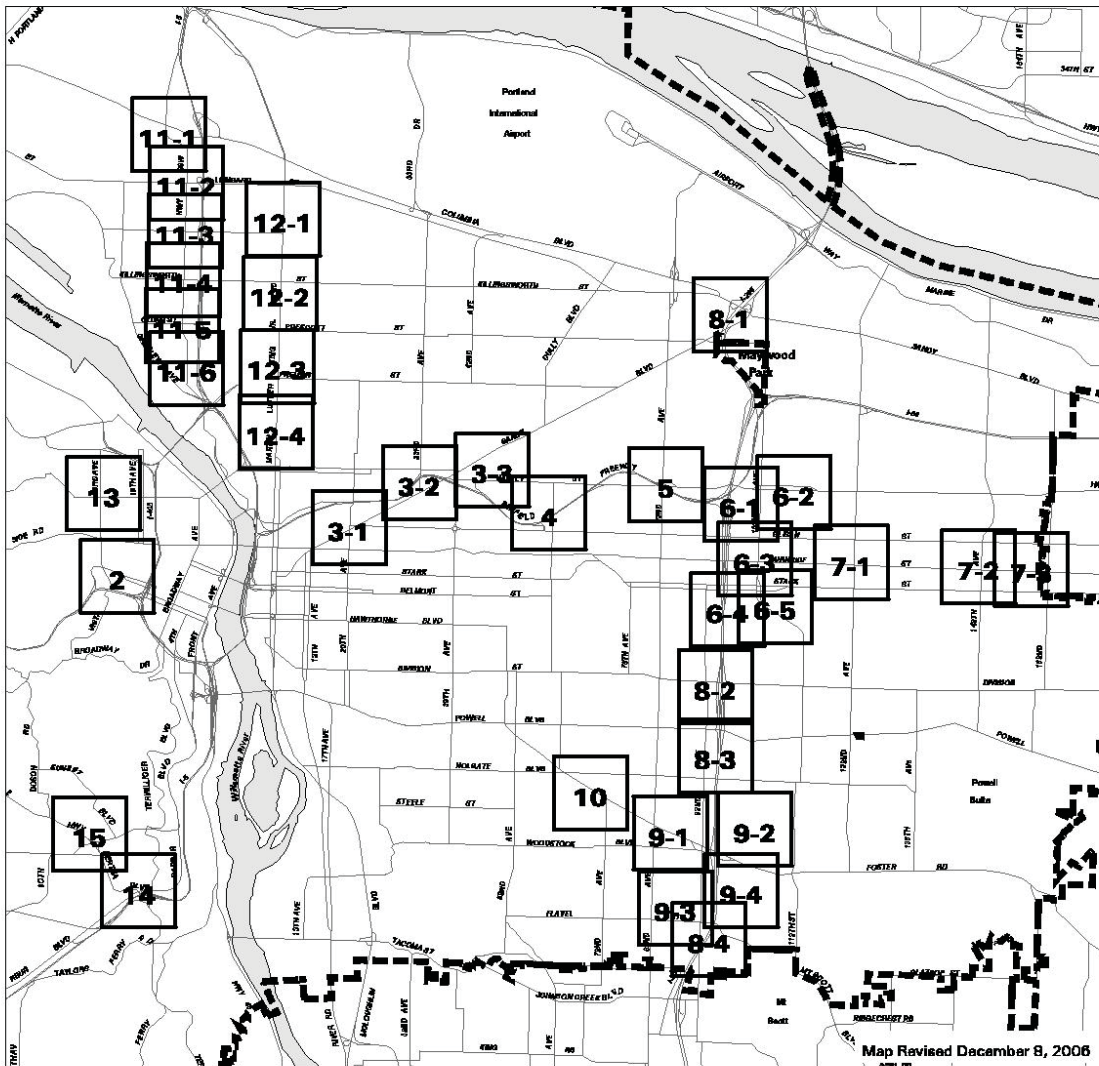
The jurisdiction of the Commission will include all practices and incidents occurring in the City of Portland which affect people who live, work, study, worship, travel or play in the City. The Commission shall have jurisdiction to address such practices and incidents through education, research, advocacy and/or intervention, but shall not have civil rights enforcement authority.

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POLICE ARREST DOCKET AND MUNICIPAL COURT TRANSCRIPT
City of Portland, Oregon
DEPARTMENT OF FINANCE AND ADMINISTRATION
Bureau of Police

<u>Name of Defendant</u>	<u>Address of Defendant</u>	<u>Arresting Officer</u>	<u>Complainant</u>	<u>Charge</u>	<u>Where</u>	<u>Age</u>
<u>Nativity</u>	<u>Occupation</u>	<u>Bail</u>	<u>Plea</u>	<u>Fine</u>	<u>Days</u>	<u>Remarks</u>

FIGURE 1 - (Section 3.20.130)

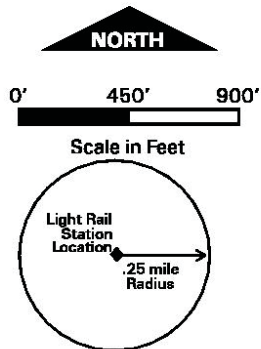
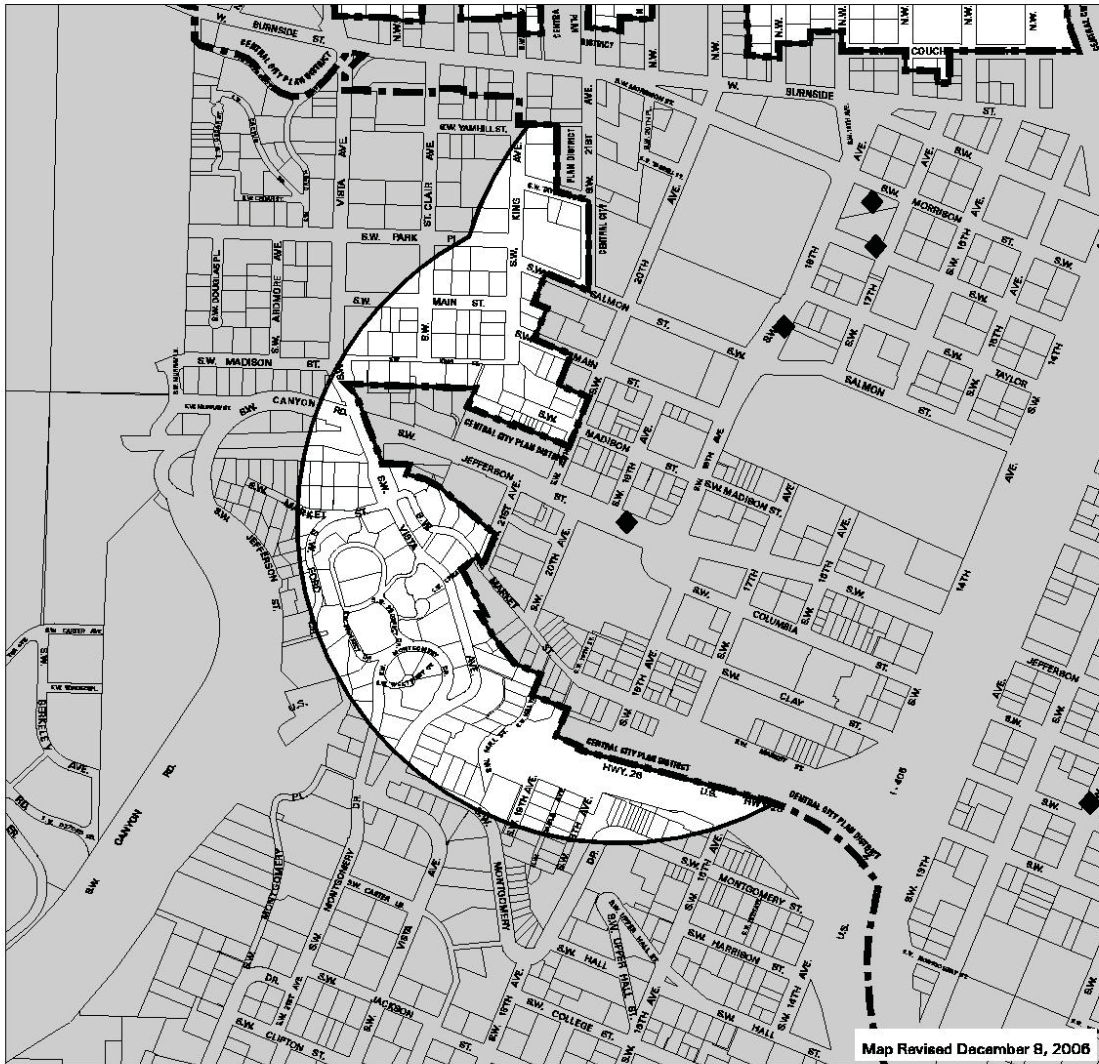


Map 3.103-1
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Index Map

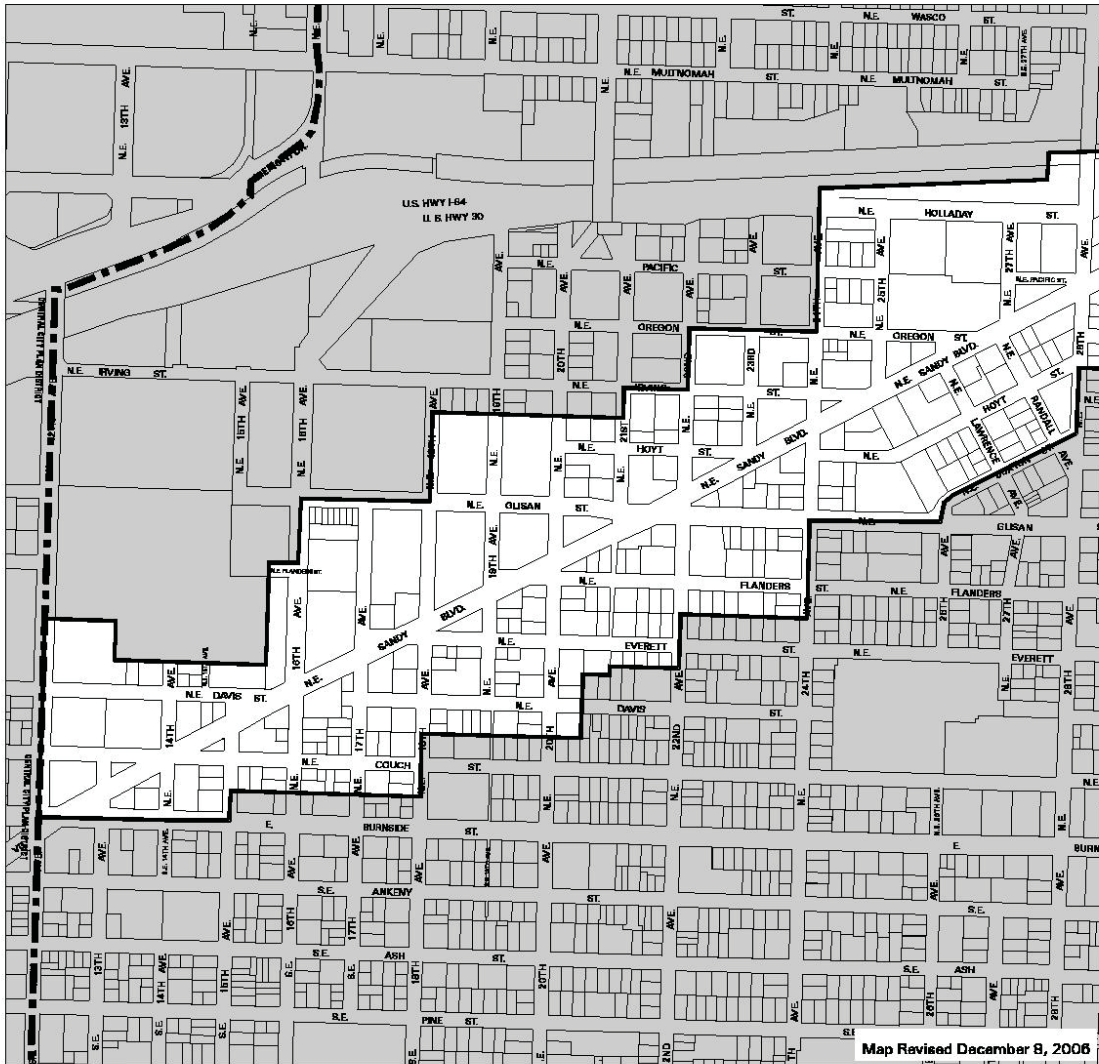
Bureau of Planning • City of Portland, Oregon

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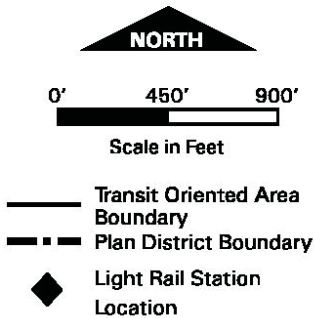


**Map 3.103-2
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Goose Hollow Light Rail Station Areas**

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Map Revised December 8, 2006



Map 3.103-3

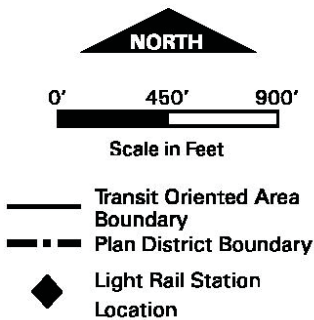
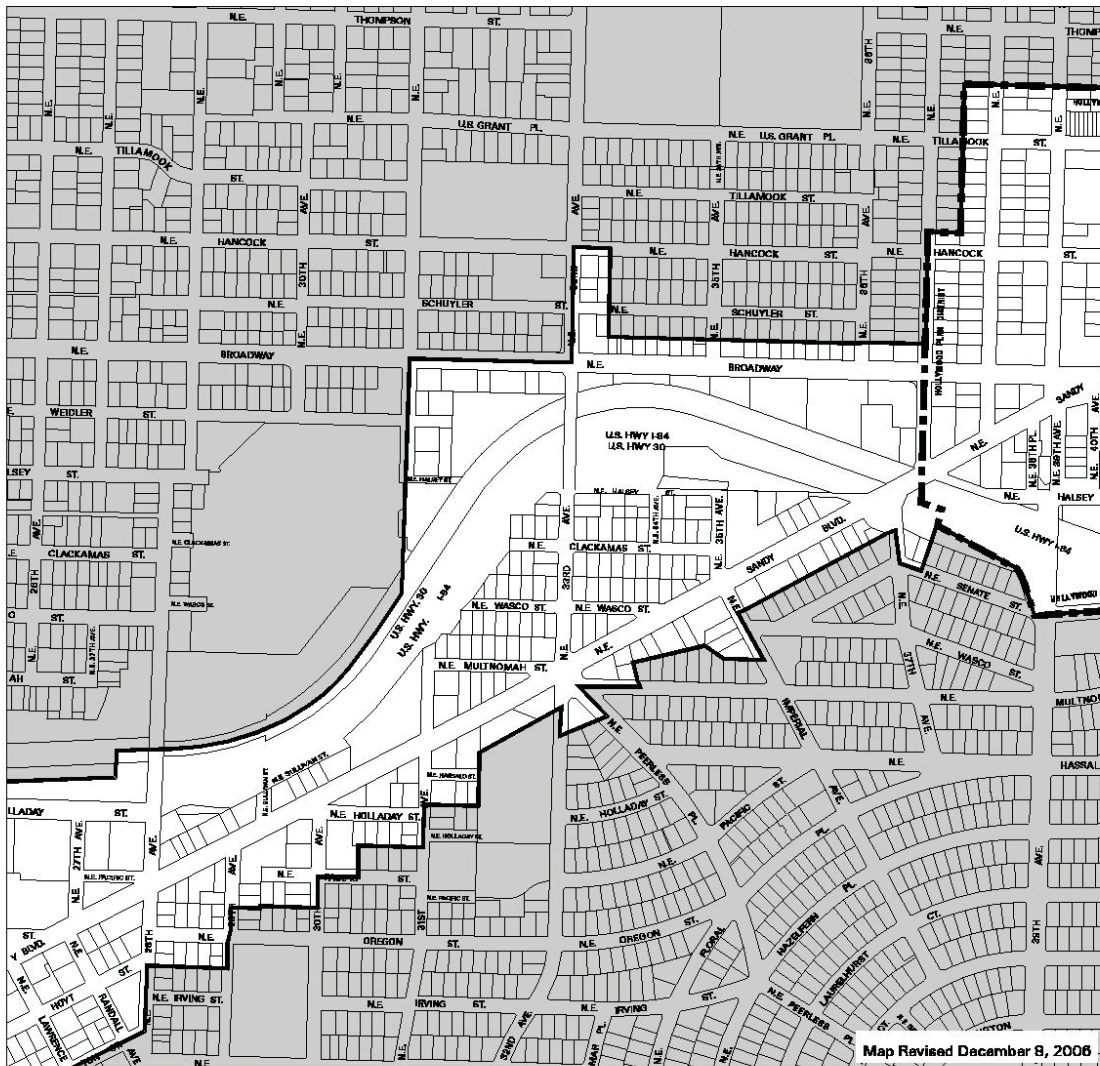
Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Hollywood Light Rail Station Area & Transit Oriented
Areas along Sandy Boulevard & Broadway Main Street

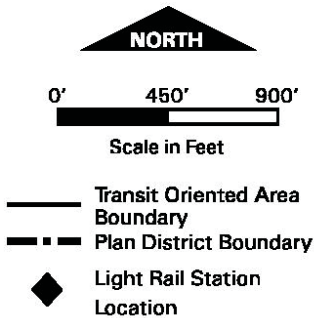
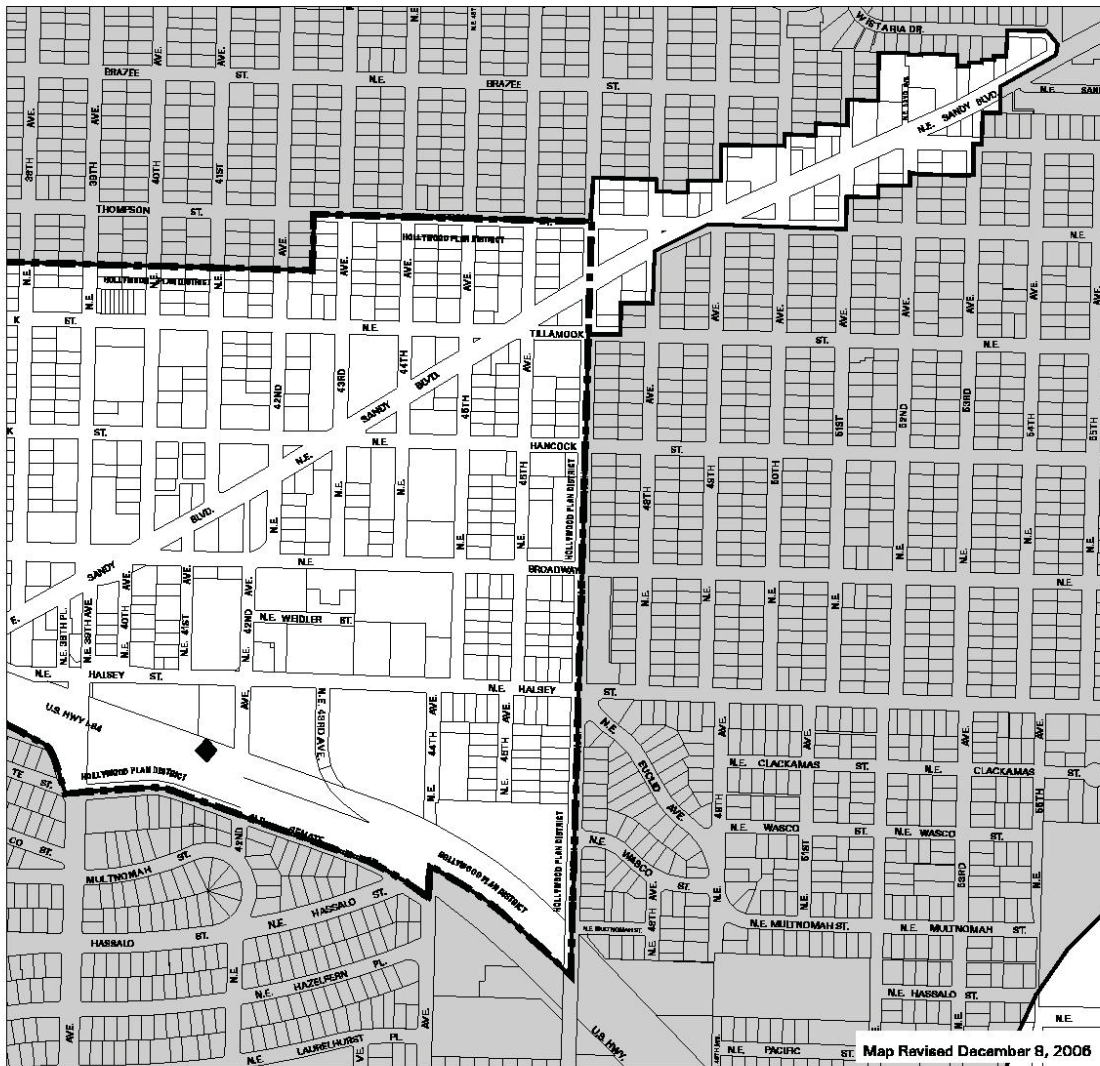
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Map 3.103-3
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Hollywood Light Rail Station Area & Transit Oriented
Areas along Sandy Boulevard & Broadway Main Street
Map 2 of 3
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Map 3.103-3

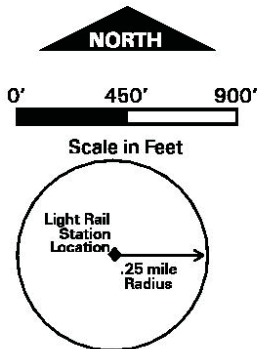
Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Hollywood Light Rail Station Area & Transit Oriented
Areas along Sandy Boulevard & Broadway Main Street

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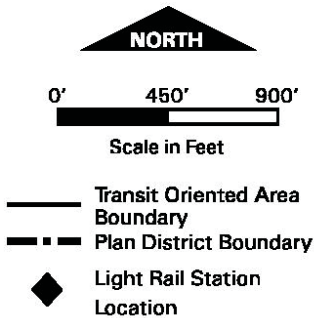
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**Map 3.103-4
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
60th Avenue Light Rail Station Area**

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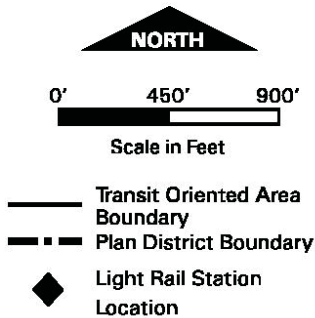
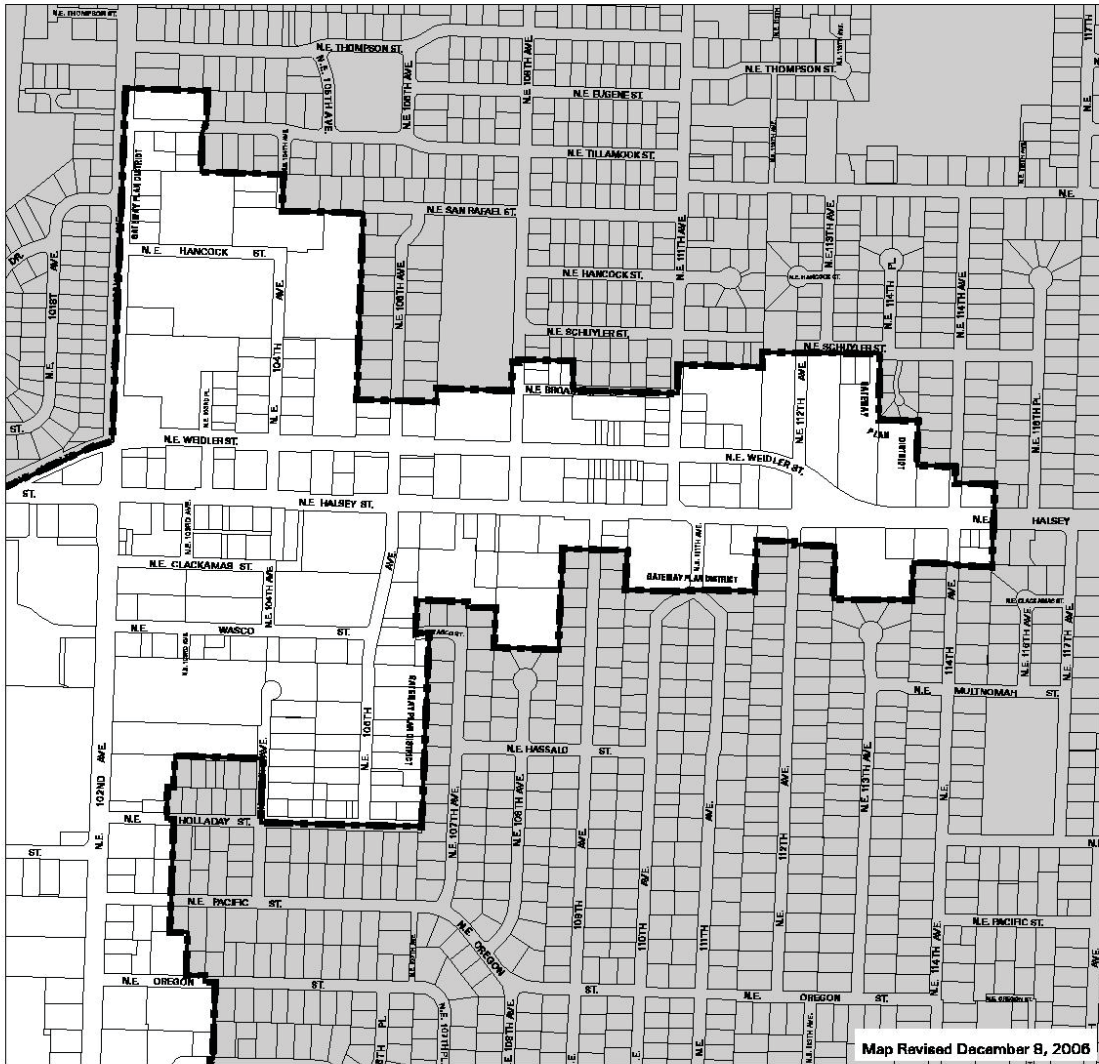


**Map 3.103-6
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Gateway Plan District and
Light Rail Station Areas**

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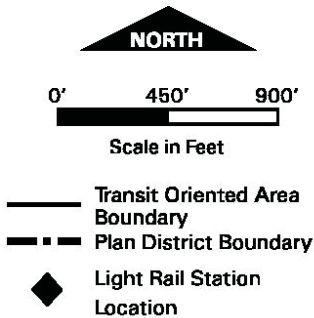
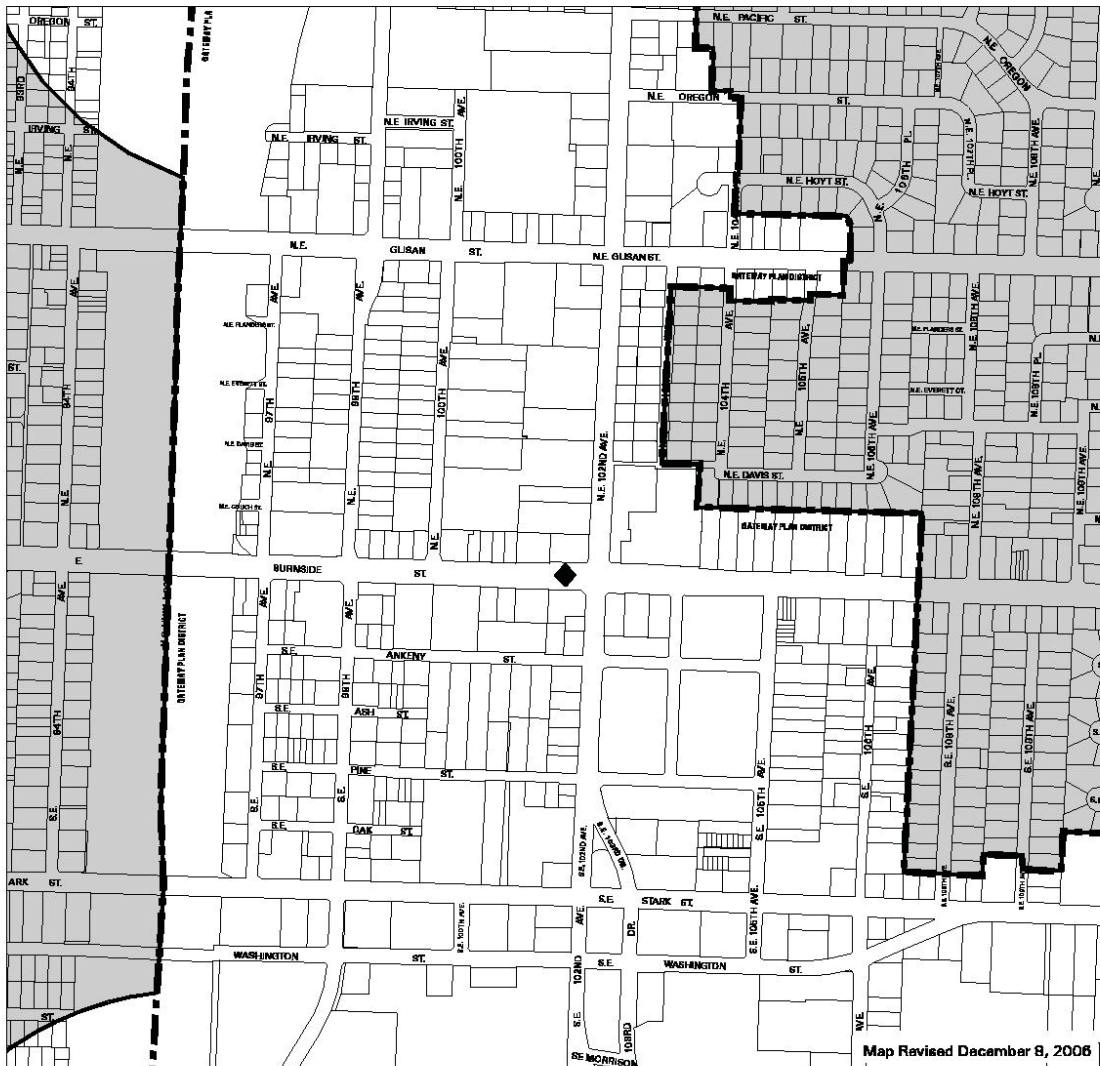
Map 3.103-6 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Gateway Plan District and Light Rail Station Areas

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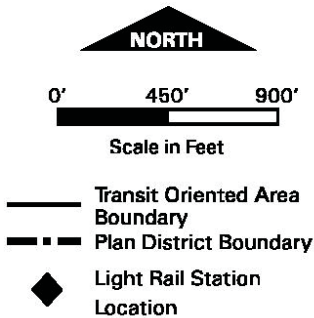


**Map 3.103-6
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Gateway Plan District and
Light Rail Station Areas**

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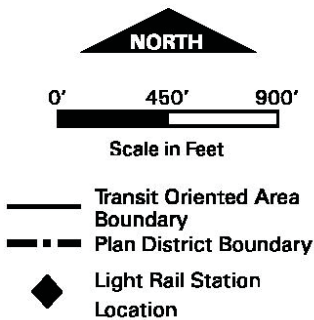
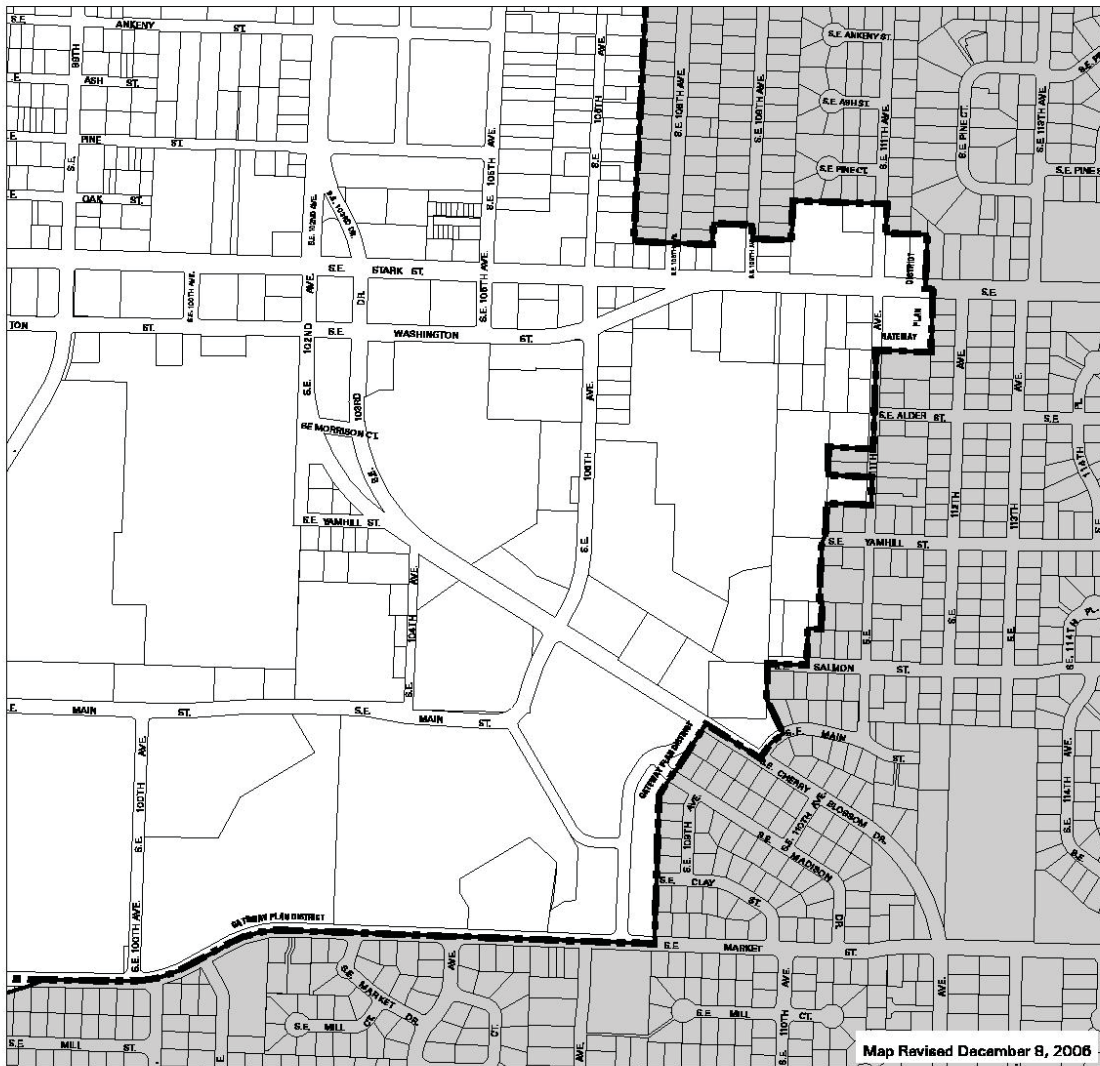
Map 3.103-6
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Gateway Plan District and
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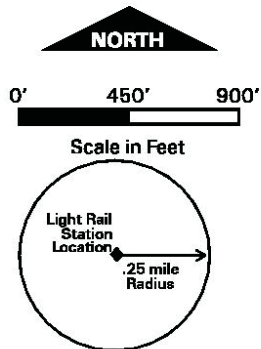


**Map 3.103-6
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Gateway Plan District and
Light Rail Station Areas**

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Map 3.103-7

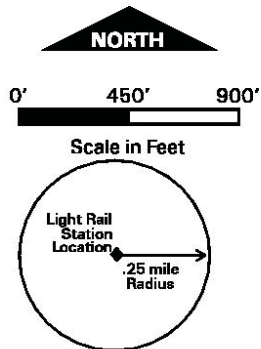
Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Light Rail Station Areas East of Gateway Plan District

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**Map 3.103-7
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

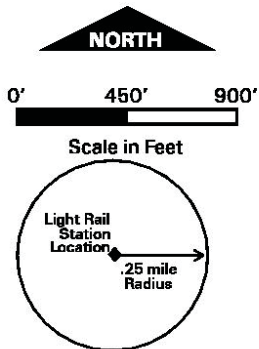
**Light Rail Station Areas
East of Gateway Plan District**

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Map Revised December 8, 2006



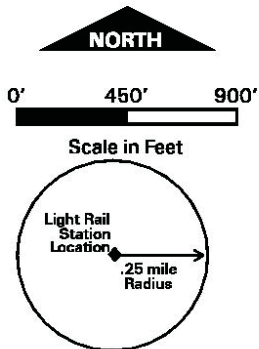
Map 3.103-7 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Light Rail Station Areas East of Gateway Plan District

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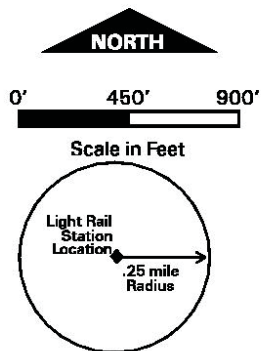
**Map 3.103-8
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

I-205 Light Rail Stations Areas

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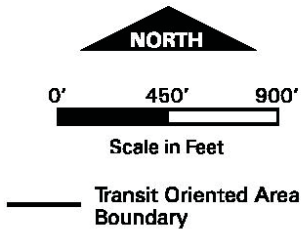
**Map 3.103-8
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

I-205 Light Rail Stations Areas

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**TITLE 3
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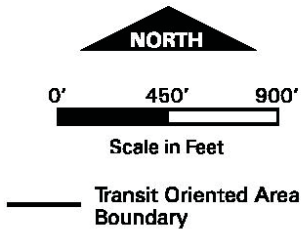
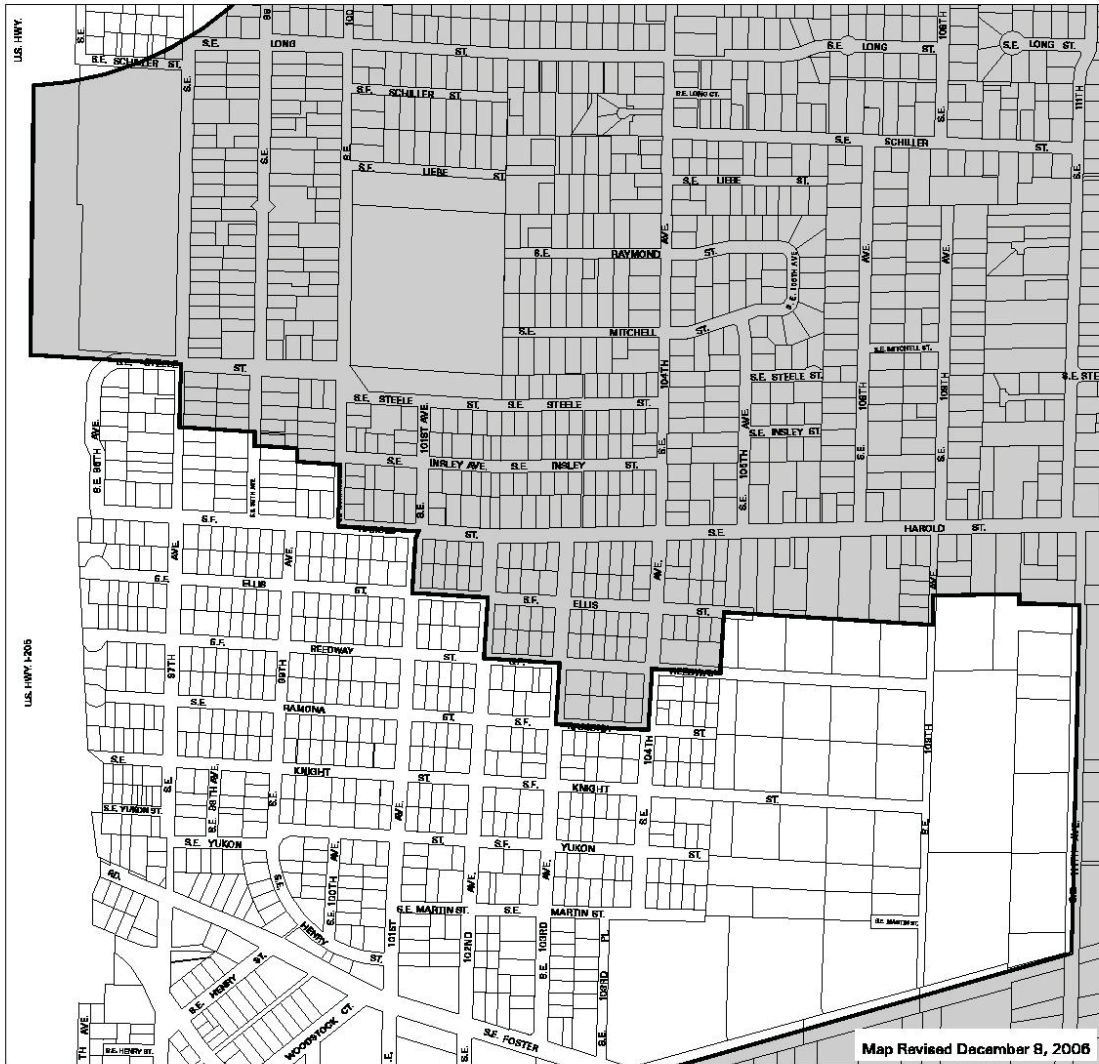


**Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

Lents Town Center

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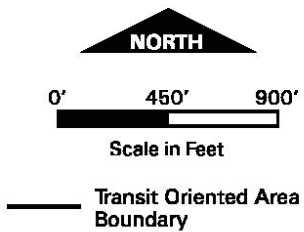
Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Lents Town Center

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Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Lents Town Center

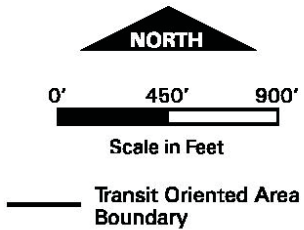
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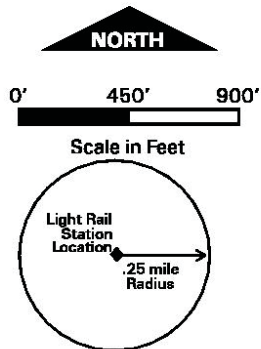
Map Revised December 8, 2006



**Map 3.103-10
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Transit Oriented Areas along
Foster Road Main Street**

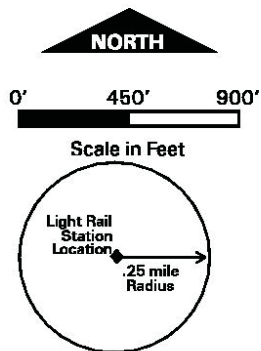
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Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas

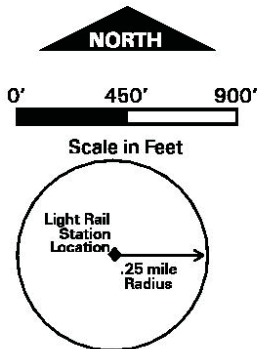
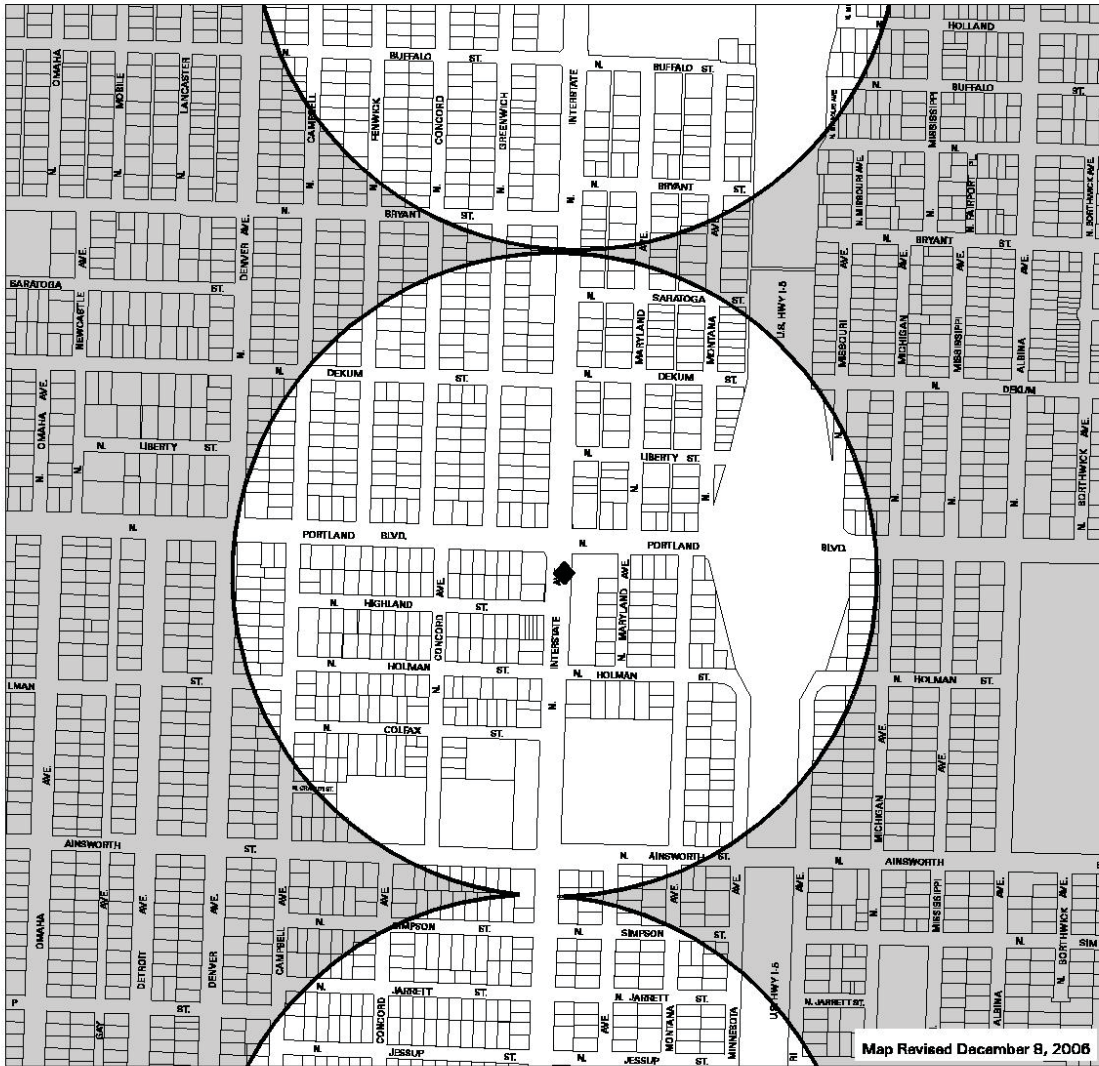
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**Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas**

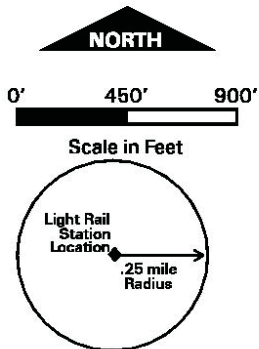
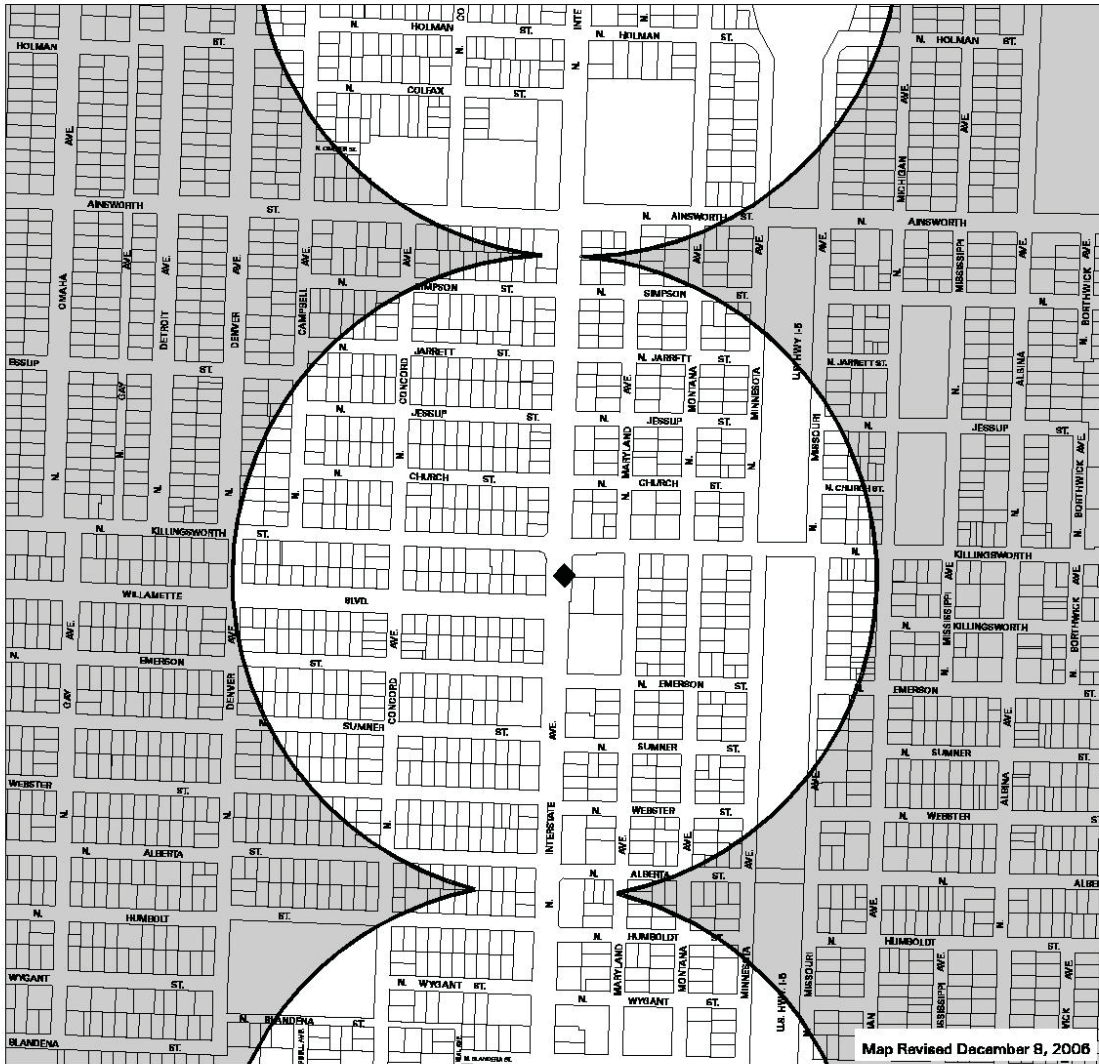
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Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas

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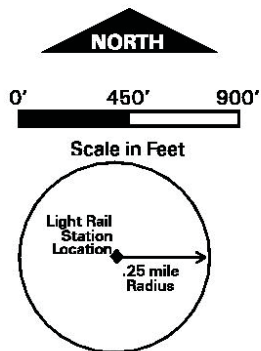
**TITLE 3
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**Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas**

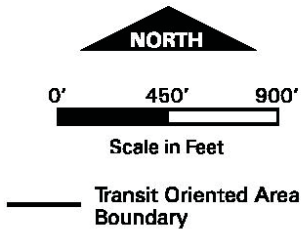
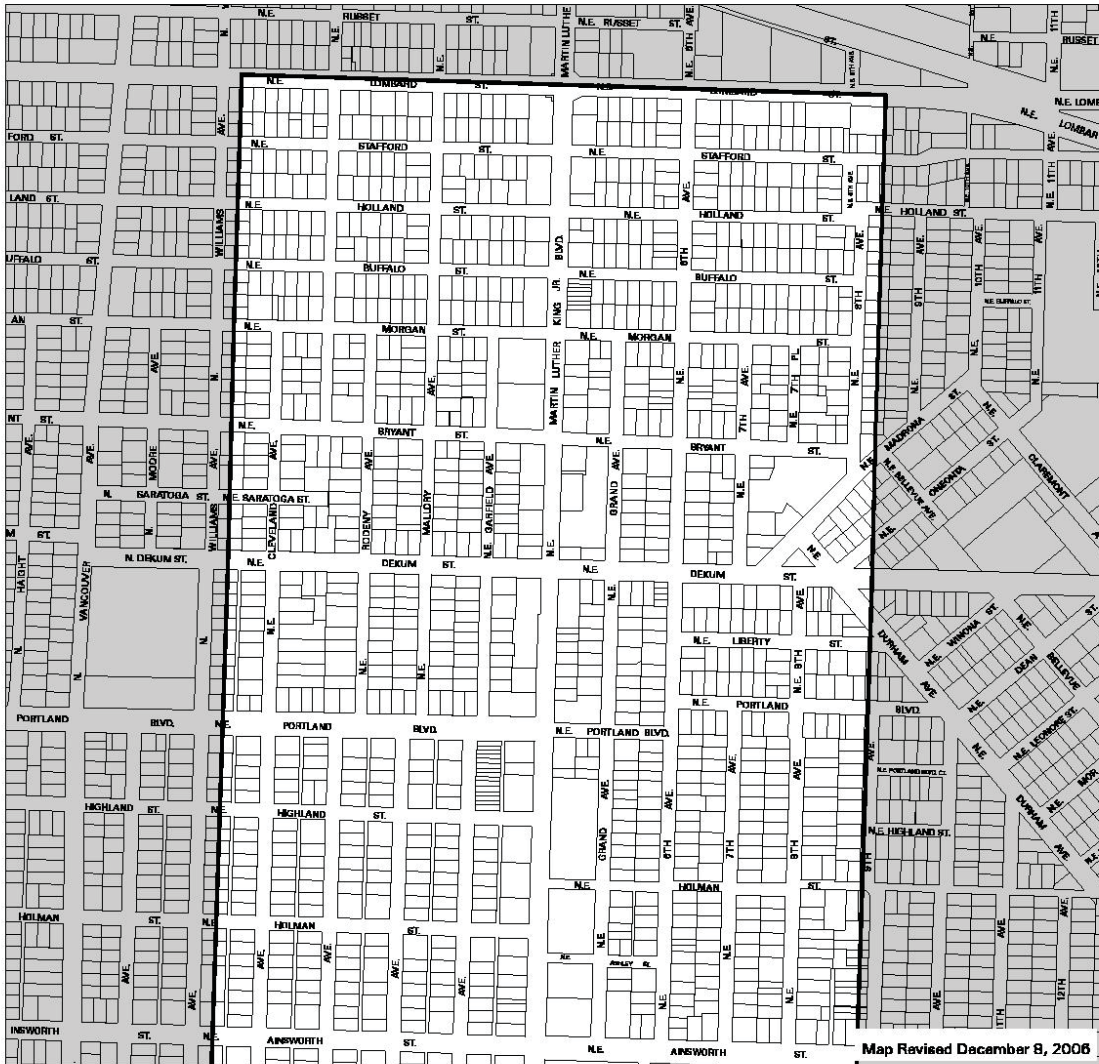
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**Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas**

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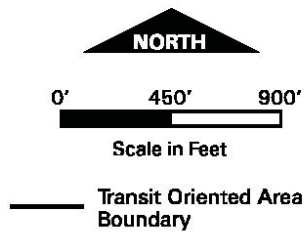
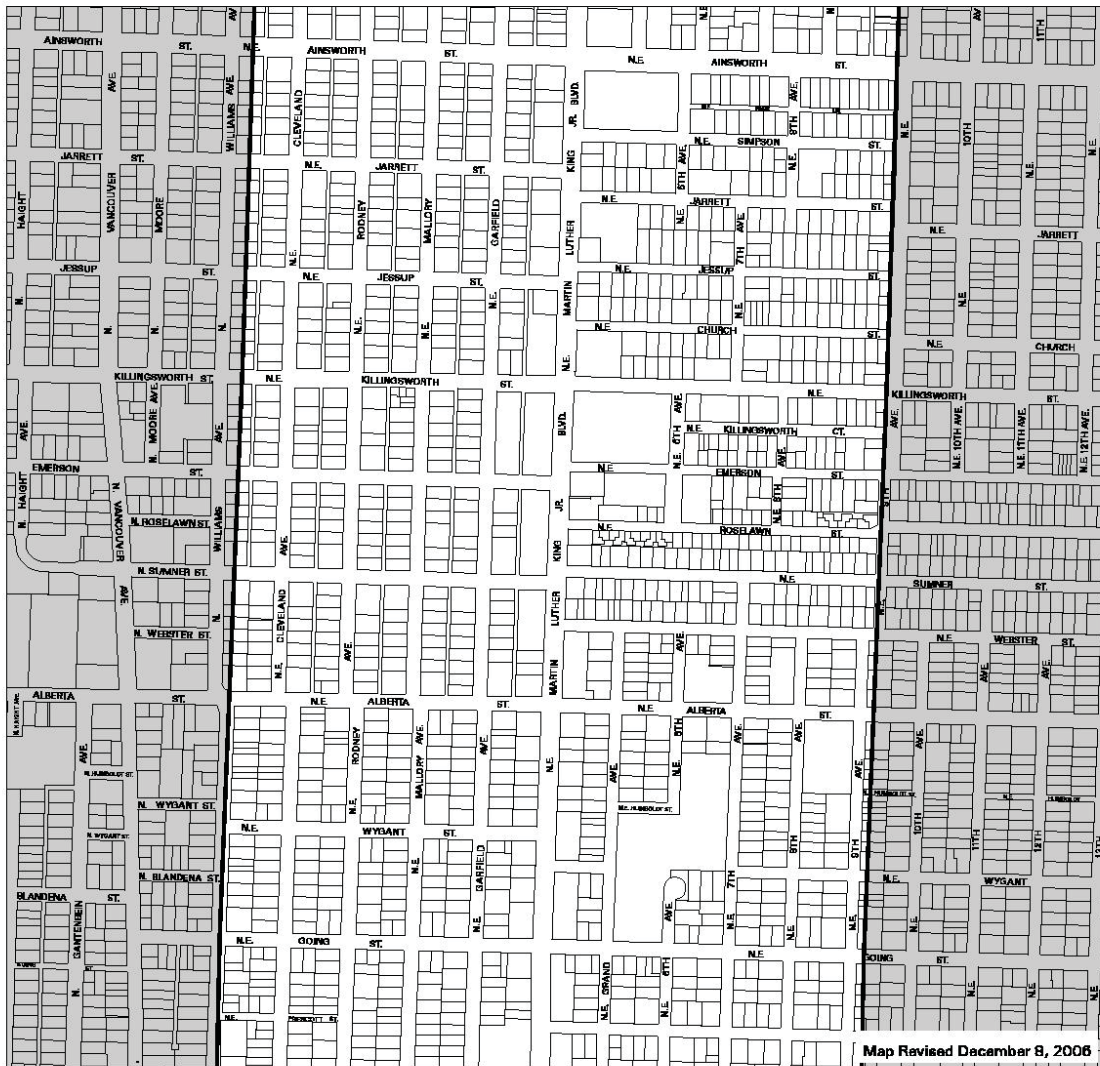
Map 3.103-12
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Transit Oriented Areas along
NE Martin Luther King Jr. Blvd. Main Street

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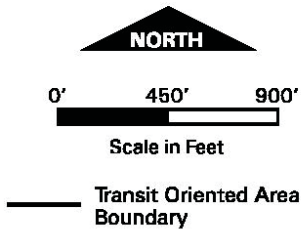


**Map 3.103-12
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Transit Oriented Areas along
NE Martin Luther King Jr. Blvd. Main Street**

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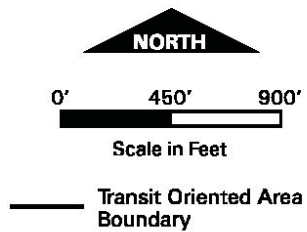
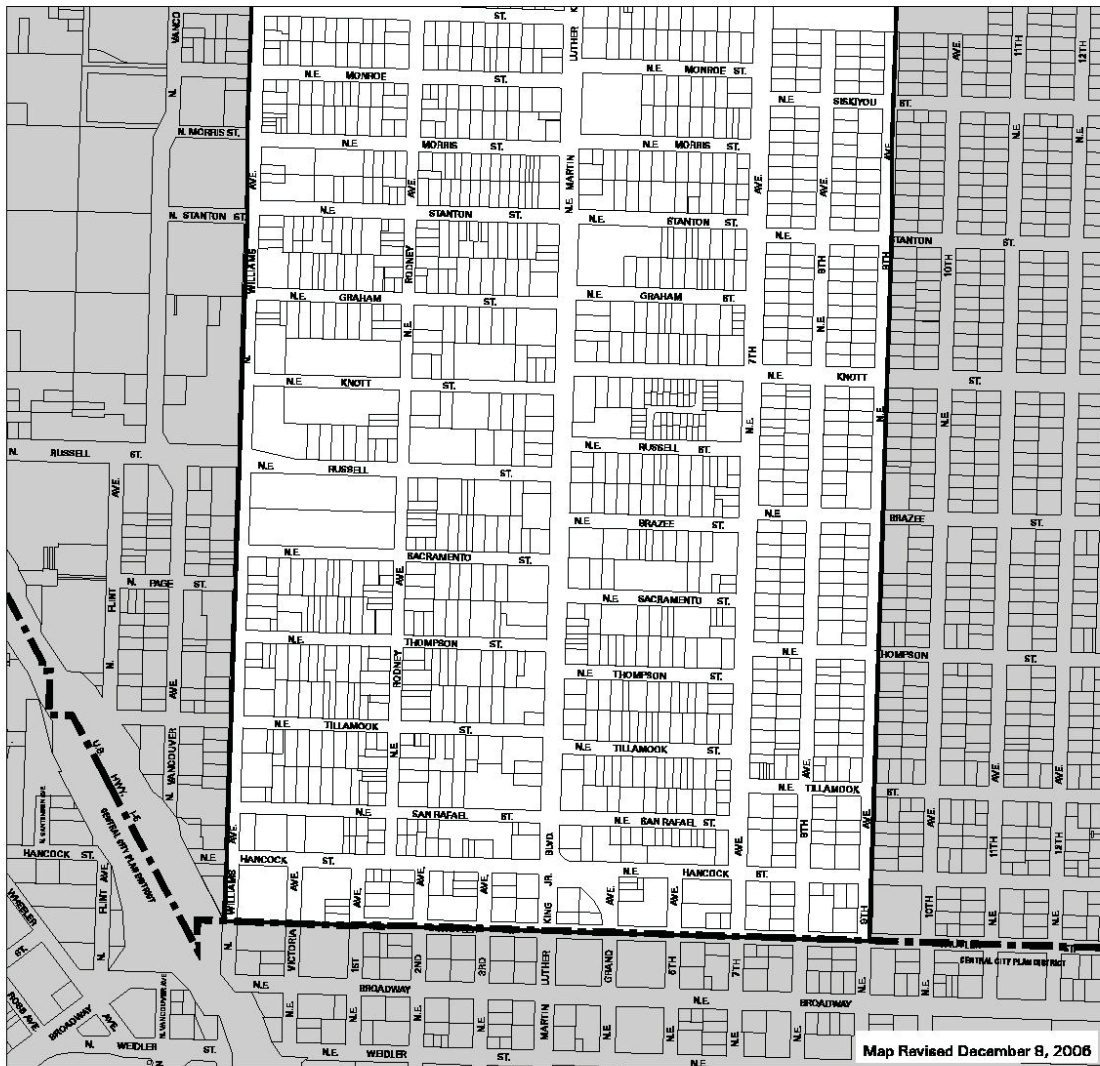
Map 3.103-12
Property Tax Exemption for
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or Mixed Use Development

Transit Oriented Areas along
NE Martin Luther King Jr. Blvd. Main Street

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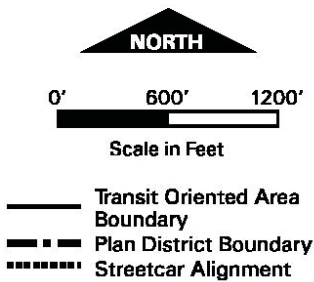
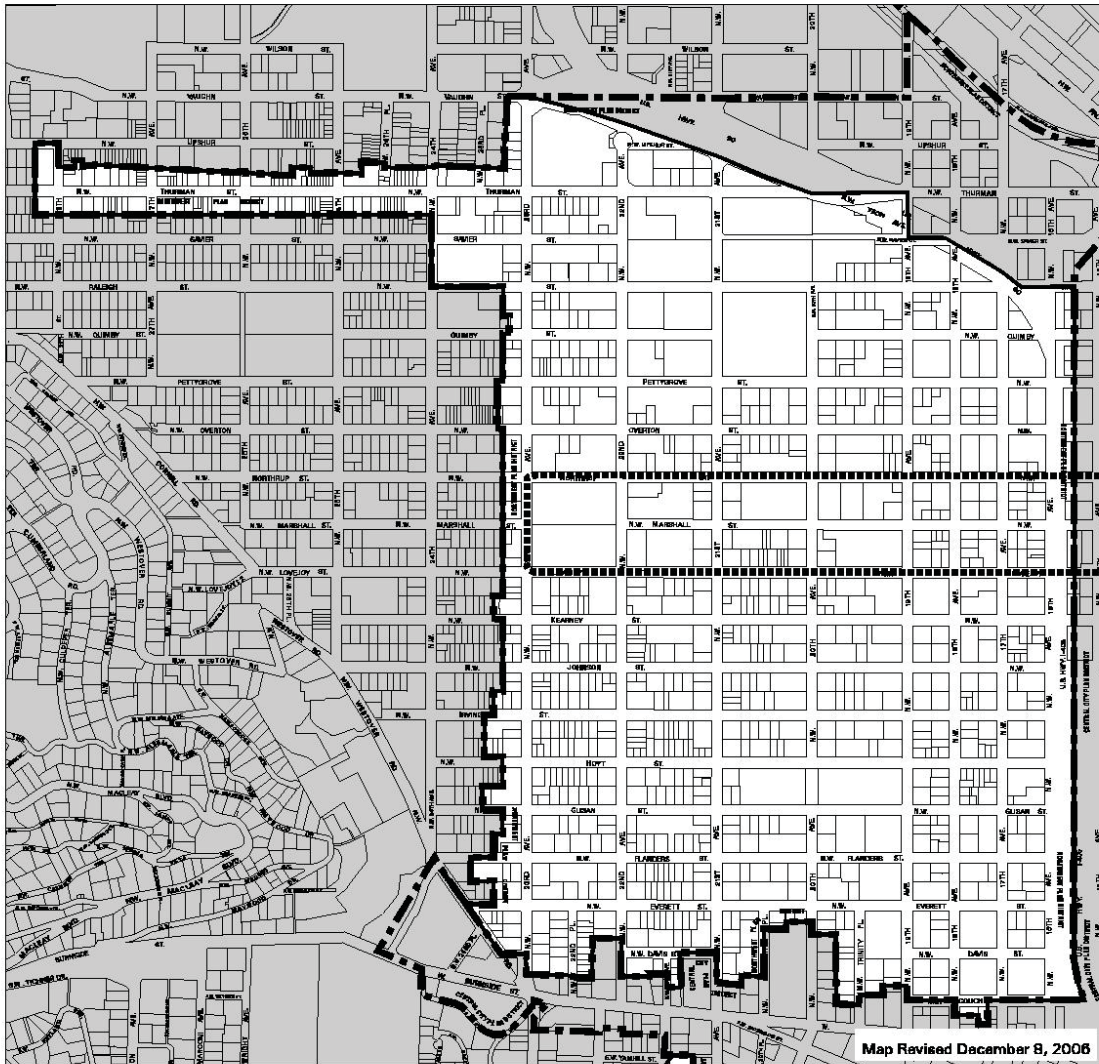


**Map 3.103-12
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Transit Oriented Areas along
NE Martin Luther King Jr. Blvd. Main Street**

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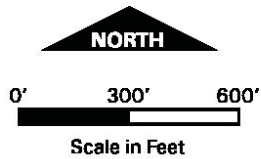
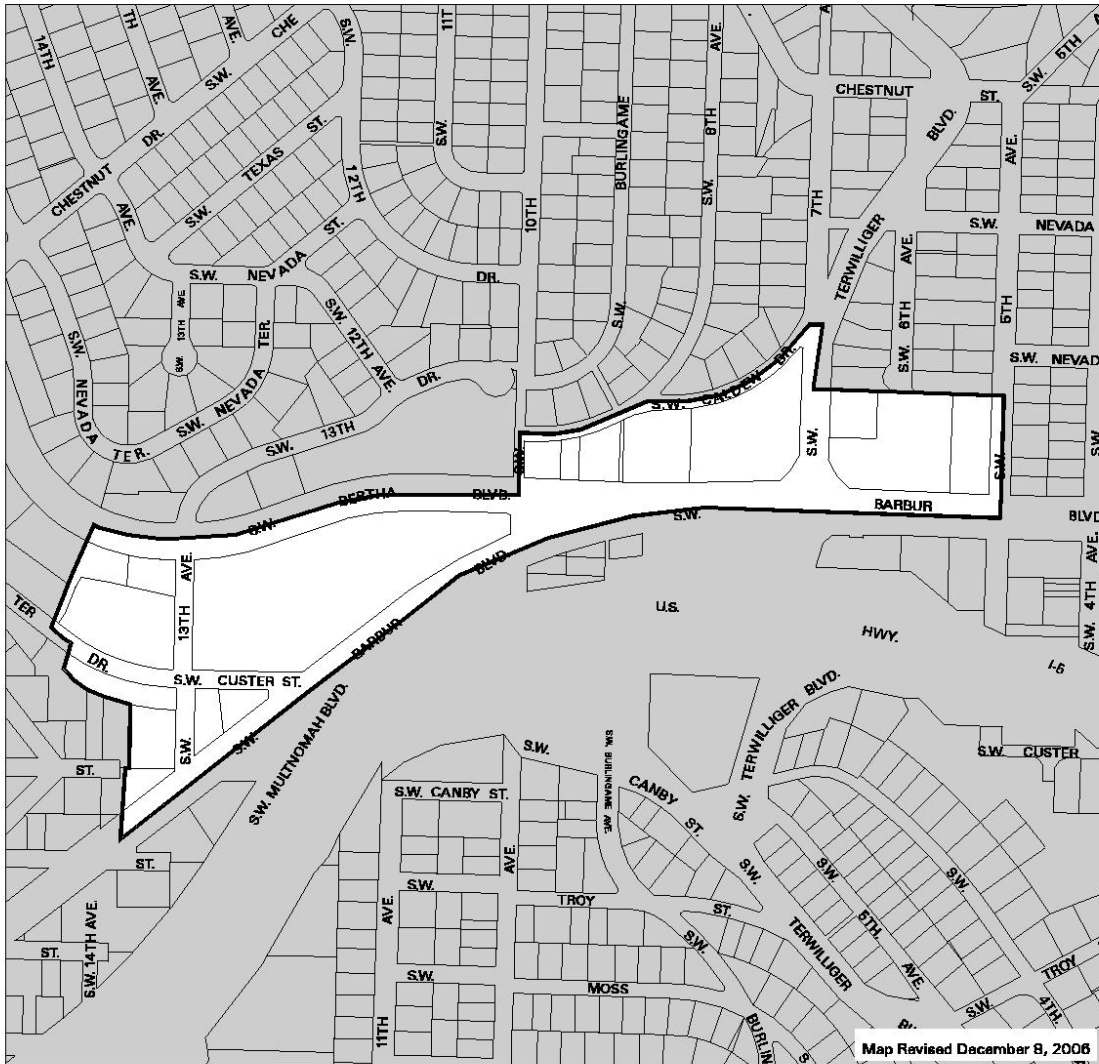


Map 3.103-13 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Northwest Plan District

Bureau of Planning • City of Portland, Oregon

TITLE 3
ADMINISTRATION



Map 3.103-14
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Transit Oriented Areas around
SW Barbur and Terwilliger Boulevards

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Chapter 4.20

**ALLOWED AND PROHIBITED
ORIGINAL ART MURALS**

Sections:

- 4.20.010 Allowed Original Art Murals.
- 4.20.020 Prohibited Murals.
- 4.20.030 Relationship of Permitted Original Art Mural to other Regulations.
- 4.20.040 Exceptions to this Title.

4.20.010 Allowed Original Art Murals.

(Amended by Ordinance No. 185915, effective May 1, 2013.) Original Art Murals that meet all of the following criteria and which are not prohibited will be allowed upon satisfaction of the applicable permit requirements:

- A. No part of the mural shall exceed 30 feet in height measured from grade.
- B. The mural shall remain in place, without alterations, for a period of five years, except in limited circumstances to be specified in the Bureau of Development Services Administrative Rules. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a period of five years without alteration.
- C. The mural shall not extend more than 6 inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
- D. In Design Overlay Zones, the mural shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.
- E. In the Historic Resource Overlay Zones, murals may be allowed on buildings that have been identified as non-contributing structures within Historic and Conservation Districts. These murals shall meet all of the additional, objective Design Standards for Original Art Murals, as established in the Bureau of Development Services Administrative Rules.

4.20.020 Prohibited Murals.

The following are prohibited:

- A. Murals on residential buildings with fewer than five dwelling units.

**TITLE 4
ORIGINAL ART MURALS**

- B.** Murals on historic or conservation landmarks.
- C.** Murals on buildings that have been identified as contributing structures to a historic or conservation district.
- D.** Murals in a public right-of-way.
- E.** Murals for which compensation is given or received for the display of the mural or for the right to place the mural on another's property. The applicant shall certify in the permit application that no compensation will be given or received for the display of the mural or the right to place the mural on the property.
- F.** Murals which would result in a property becoming out of compliance with the provisions of Title 33, Planning and Zoning, or land use conditions of approval for the development on which the mural is to be located.

4.20.030 Relationship of Permitted Original Art Mural to other Regulations.

The exemption of PCC Subsection 32.12.020 J. applies only to Original Art Murals for which a permit has been obtained under this Title and any adopted Administrative Rules. Issuance of an Original Art Mural Permit does not exempt the permittee from complying with any other applicable requirements of the Portland City Code, including but not limited to Titles 24 and 33.

4.20.040 Exceptions to this Title.

Exceptions to the regulations of this Title are prohibited.

**TITLE 5
REVENUE AND FINANCE**

Chapter 5.04

FUNDS

5.04.010	Provisions Made For.
5.04.020	Sundry Trusts Fund.
5.04.030	Trustees' Fund.
5.04.040	Parking Meter Fund.
5.04.050	Golf Fund.
5.04.070	Bonded Debt Interest and Sinking Fund.
5.04.140	Parking Facilities Fund.
5.04.150	Parking Facilities Bond Redemption Fund.
5.04.170	Revenue Sharing Fund.
5.04.175	State Revenue Sharing Fund.
5.04.180	CityFleet Operating Fund.
5.04.185	Facilities Services Operating Fund.
5.04.200	Printing and Distribution Services Operating Fund.
5.04.210	Improvement Warrant Sinking Fund.
5.04.220	Economic Development Trust Fund.
5.04.230	Insurance and Claims Operating Fund.
5.04.240	Worker's Compensation Self Insurance Operating Fund.
5.04.250	System Development Charge Sinking Fund.
5.04.270	Washington County Water Supply Construction Fund.
5.04.280	Washington County Water Supply Bonded Debt Service Sinking Fund.
5.04.290	Water Growth Impact Charge Trust Fund.
5.04.300	Bull Run Fund.
5.04.310	St. Johns Landfill End Use Plan Fund.
5.04.320	Sewer Revolving Loan Fund.
5.04.400	Sewer System Operating Fund.
5.04.410	Sewer System Construction Fund.
5.04.420	Sewer System Debt Redemption Fund.
5.04.430	Sewer System Debt Proceeds Fund.
5.04.440	Sewer System Rate Stabilization Fund.
5.04.450	Sewer System Safety Net Fund.
5.04.460	Use of Sewage Disposal Fund.
5.04.470	Portland Police Fitness Room Trust Fund.
5.04.480	Property Management License Fund.
5.04.490	Graffiti Nuisance Abatement Trust Fund.
5.04.500	Technology Services Fund.
5.04.510	Arts Education and Access Fund.
5.04.520	Mt. Hood Cable Regulatory Commission Agency Fund.

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- 5.08.010 Biweekly Pay Period.
- 5.08.020 Preparation and Certification of Biweekly Time Reports.
- 5.08.030 Computing Daily and Hourly Rates of Pay.
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- 5.08.105 Reimbursement to Employees in Educational Programs Authorized by Council.
- 5.08.110 Bus Fare for Meter Readers.
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- 5.09.005 Title.
- 5.09.010 Definitions.
- 5.09.020 Purpose.
- 5.09.030 Administration.
- 5.09.035 Education.
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5.10.020 Charitable Campaign.
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- 5.30.120 Purchase of Property by the City.
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- 5.30.190 Certificate of Sale and Notice of Sale to Property Owner.
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Chapter 5.31

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- 5.31.005 Purpose.
- 5.31.010 Definitions.
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- 5.31.035 Preparation of Preforeclosure List.
- 5.31.045 Review of Final Foreclosure List.
- 5.31.050 Council Action on Final Foreclosure List; Recording of Notice.
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- 5.31.060 Purchase of Property by the City.
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- 5.31.075 Certificate of Sale and Notice to Property Owner.
- 5.31.080 Lien Docket Entry.
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- 5.33.070 Purchasing Goods, Services and Public Improvements from City Employees.
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- 5.33.080 Environmentally Preferable Procurement.
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- 5.33.090 Use of Price Agreements.
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- 5.33.105 Feasibility and Cost Analysis.
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- 5.33.130 Emergency Procurements.
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- 5.33.140 Cooperative Purchasing.
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- 5.33.310 Specifications and Brand Names.
- 5.33.320 Bids or Proposals are Offers.
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- 5.33.360 Contract Conditions.
- 5.33.400 Offer Preparation.
- 5.33.410 Bid or Proposal Security.

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5.33.670	Disposition of Offers if Solicitation Canceled.
5.33.675	Documentation of Award.
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5.33.695	Notification to State of Nonresident Contractor.
5.33.700	Protests and Judicial Review of Special Procurements.
5.33.710	Protests and Judicial Review of Sole-Source Procurements.
5.33.720	Protests and Judicial Review of Multi-Tiered Solicitations.
5.33.730	Protests and Judicial Review of Solicitation Documents and the Procurement Process.
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5.33.780	Powers of the Board.
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- 5.33.930 Right to Inspect Plant or Place of Business.
- 5.33.940 Contract Cancellation, Contractor Termination Procedures.

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- 5.34.010 Definitions.
- 5.34.020 Application and Authority.
- 5.34.040 Affirmative Action.
- 5.34.060 Contracts for Construction Other than Public Improvements.
- 5.34.100 Overview of Source Selection and Contractor Selection.
- 5.34.110 Emergency Contracts; Bidding and Bonding Exemptions.
- 5.34.120 Selection of Substitute Contractor.
- 5.34.130 Joint Cooperative Purchasing.
- 5.34.140 General Rules for Joint Cooperative Procurements; Fees.
- 5.34.150 Competitive Bidding Requirement.
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- 5.34.300 Solicitation Documents; Required Provisions; Assignment or Transfer.
- 5.34.310 Notice and Advertising Requirements; Posting.
- 5.34.320 Specifications and Brand Names.
- 5.34.330 Facsimile Bids and Proposals.
- 5.33.340 Electronic Procurement.
- 5.34.410 Bid or Proposal Security.
- 5.34.420 Pre-Offer Conferences.
- 5.34.430 Addenda to Solicitation Documents.
- 5.34.440 Request for Clarification or Change.
- 5.34.450 Offer Submissions.
- 5.34.460 Pre-Closing Modification or Withdrawal of Offers.
- 5.34.470 Receipt, Opening and Recording of Offers.
- 5.34.480 Late Bids, Late Withdrawals and Late Modifications.
- 5.34.490 Mistakes.
- 5.34.493 First-Tier Subcontractors; Disclosure and Substitution.
- 5.34.500 Responsibility of Offerors.
- 5.34.510 Prequalification of Offerors.
- 5.34.520 Eligibility to Bid or Propose; Registration or License.
- 5.34.530 Disqualification of Persons.
- 5.34.600 Bid or Proposal Evaluation Criteria.
- 5.34.610 Offer Evaluation and Award; Determination of Responsibility.
- 5.34.620 Negotiation With Bidders Prohibited.
- 5.34.625 Contract Preference; Resident Bidders.
- 5.34.630 Reciprocal Preferences.
- 5.34.640 Negotiation When Bids Exceed Cost Estimate.
- 5.34.645 Rejection of Offers.
- 5.34.650 Notice of Intent to Award.

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5.34.670	Disposition of Offers if Solicitation Canceled.
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5.34.970	Right to Inspect Plant or Place of Business.
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- 5.36.001 Surplus Property Policy.
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- 5.36.020 Sale of Buildings for Removal from City Property.
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- 5.36.030 Loans of Personal Property Owned by City.
- 5.36.035 Lost or Stolen City Property.
- 5.36.040 Parking Meter Fund Equipment.
- 5.36.050 Use of City Automobiles for Transporting Firing Squads.
- 5.36.060 Use of Water Bureau Property by Bureau of Shops.
- 5.36.080 Zoological Specimens.
- 5.36.090 Gifts and Loans of Property.
- 5.36.100 Use of City Property for Elections.
- 5.36.110 Use of City Property for Air Quality Measuring Stations.
- 5.36.115 Designation of "Persons In Charge."

Chapter 5.40**DEMANDS AND DISBURSEMENTS**

- 5.40.010 Drawing Checks in Payments of Claims.
- 5.40.020 Certain Demands to be Submitted to Council.
- 5.40.030 Appropriation to be Charged for All Demands.
- 5.40.040 Requisitions Required.
- 5.40.070 Funds Held for Benefit of Police Contributions Committee.
- 5.40.080 Requisition of Funds for Purchasing Police Evidence.

Chapter 5.48**CHARGES FOR SERVICES PERFORMED**

- 5.48.010 Authorization.
- 5.48.020 Application and Deposit.
- 5.48.030 Accounting Procedure.
- 5.48.035 Bureau of Emergency Communications - Recordings - Rates.
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- 5.48.040 Collection of Money Due the City.
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- 5.48.060 Interdepartmental Services Authorized.
- 5.48.070 Accounting Procedure for Interdepartmental Services.

Chapter 5.50**COLLECTIONS SECTION**

- 5.50.010 Collections Section.
- 5.50.020 Compromise Authorization.
- 5.50.030 Money Collected.

Chapter 5.52	PETTY CASH AND CHECKS
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5.52.020	Cancellation of Checks and Issue of in Lieu Checks.
5.52.030	Cancellation of City Assessments on Mortgage records.
5.52.040	When Checks Are to Be Canceled.
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5.64.030	Treasurer to Cash Credit Union Checks.
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5.64.050	Execution of Releases from Claims for Damages.
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5.64.090	Investment of Available Funds.
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5.64.110	Procedure upon Obtaining Real Property with Outstanding Liens, Assessments or Accumulated Interest.
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5.68.015	General Requirements – PTE Manual.
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5.72.070	Initial Determination of Eligibility, Final Approval, Appeals.
5.72.080	General Conditions; Document Preparation and Review.
5.72.090	Application Processing, Financial Considerations.
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5.72.120	Reporting Requirements.

Chapter 5.73	ART EDUCATION AND ACCESS INCOME TAX
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5.73.030	Net Revenues Distribution.
5.73.040	Intergovernmental Agreements.
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5.74.040	Public Art Trust Fund.
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- 5.75.030 Filing an Amended Claim.
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Chapter 5.01

**DELEGATION OF AUTHORITY TO
OBLIGATE THE CITY**

(Chapter replaced by Ordinance Nos. 174509
and 174904, effective January 1, 2001.)

Chapter 5.04

FUNDS

Sections:

5.04.010	Provisions Made For.
5.04.020	Sundry Trusts Fund.
5.04.030	Trustees' Fund.
5.04.040	Parking Meter Fund.
5.04.050	Golf Fund.
5.04.070	Bonded Debt Interest and Sinking Fund.
5.04.140	Parking Facilities Fund.
5.04.150	Parking Facilities Bond Redemption Fund.
5.04.170	Revenue Sharing Fund.
5.04.175	State Revenue Sharing Fund.
5.04.180	CityFleet Operating Fund.
5.04.185	Facilities Services Operating Fund.
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5.04.220	Economic Development Trust Fund.
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5.04.240	Worker's Compensation Self Insurance Operating Fund.
5.04.250	System Development Charge Sinking Fund.
5.04.270	Washington County Water Supply Construction Fund.
5.04.280	Washington County Water Supply Bonded Debt Service Sinking Fund.
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5.04.310	St. Johns Landfill End Use Plan Fund.
5.04.320	Sewer Revolving Loan Fund.
5.04.400	Sewer System Operating Fund.
5.04.410	Sewer System Construction Fund.
5.04.420	Sewer System Debt Redemption Fund.

**TITLE 5
REVENUE AND FINANCE**

- 5.04.430 Sewer System Debt Proceeds Fund.
- 5.04.440 Sewer System Rate Stabilization Fund.
- 5.04.450 Sewer System Safety Net Fund.
- 5.04.460 Use of Sewage Disposal Fund.
- 5.04.470 Portland Police Fitness Room Trust Fund.
- 5.04.480 Property Management License Fund.
- 5.04.490 Graffiti Nuisance Abatement Trust Fund.
- 5.04.500 Technology Services Fund.
- 5.04.510 Arts Education and Access Fund.
- 5.04.520 Mt. Hood Cable Regulatory Commission Agency Fund.

5.04.010 Provisions Made For.

In addition to funds created in accordance with the provisions of the Charter, there shall be the funds set forth in this Chapter and such other funds as from time to time may be provided for by ordinance.

5.04.020 Sundry Trusts Fund.

(Amended by Ordinance No. 173369, effective May 12, 1999.) The Sundry Trusts Fund, created by Ordinance No. 118746, passed by the Council July 1, 1964, shall contain accounts for trust monies which neither belong in the Trustees' Fund nor require an individual trust fund. The following accounts are authorized for the Sundry Trusts Fund:

- A. Animals for zoo account. (Repealed by Ordinance No. 150375; passed and effective Sept. 11, 1980.)
- B. Civic Emergency Account. This account shall receive the City's share of the annual allocation from the Civic Emergency Fund under ORS 463.170. Expenditures shall be limited to athletic, recreational, educational, or charitable purposes. The Mayor and the Auditor are authorized to draw on this account when requisitions are presented approved by the Mayor, and one other Commissioner;
- C. Elephant Purchase Account. (Repealed by Ordinance No. 150375; passed and effective Sept. 11, 1980.)
- D. Health Protection Account. (Repealed by Ordinance No. 150375; passed and effective Sept. 11, 1980.)
- E. Recreation Account. (Repealed by Ordinance No. 150375; passed and effective Sept. 11, 1980.)

**TITLE 5
REVENUE AND FINANCE**

or an Assistant Chief. Monies from this fund by either the Chief of Police or an Assistant Chief. Monies from this fund shall be used for maintenance and repairs of equipment, equipment replacement, and new fitness room equipment.

5.04.480 Property Management License Fund.

(Added by Ordinance No. 170223, July 1, 1996.) The Property Management License Fund is hereby made a part of the Code of the City of Portland, Oregon, for the receipt of any revenues derived from assessments levied under the former downtown Economic Improvement District created by Ordinance No. 164665, together with all revenues generated by the Downtown Property Management License program (City Code Chapter 6.06.) Monies derived from proceeds of the Downtown Property Management License program and delinquent Economic Improvement District assessments, as well as from interest earned on that money, shall be spent only for the services described in Section 6.06.010 of the Code of the City of Portland and for any costs of the City's administration of the Downtown Property Management License program.

5.04.490 Graffiti Nuisance Abatement Trust Fund.

(Added by Ordinance No. 172612, amended by Ordinance No. 172810, effective November 4, 1998.) There is hereby created a City of Portland graffiti nuisance abatement trust fund. Any donations in support of graffiti abatement will be placed into the fund, together with any monies received in connection with voluntary nuisance abatement consent forms. Expenditures from this fund may occur upon the approval of any two of the following: (1) the Mayor; (2) the Commissioner-in-Charge of the Office of Neighborhood Involvement; and (3) the Graffiti Abatement Manager. Such expenditures shall be limited to: the payment of the cost of removal of graffiti; the purchase, acquisition, operation and maintenance of graffiti removal equipment and supplies; the costs of administering the graffiti nuisance abatement ordinance; and such other public purposes as may be approved by the City Council.

5.04.500 Technology Services Fund.

(Added by Ordinance No. 176003; amended by Ordinance Nos. 177852 and 181483, effective January 18, 2008.) The Technology Services Fund is hereby created as an internal service fund under the Bureau of Technology Services as described in Section 3.15.070 of this Code. The purpose of this Fund is to receive and record expenditures related to the management, operation and delivery of a variety of technology services to City bureaus and offices. The Fund also supports facilitation of multi-year funding of major technology initiatives. The Fund is supported primarily by charges to City bureaus for corporate and bureau-specific services.

5.04.510 Arts Education and Access Fund.

(Added by Resolution No. 36939 (approved at November 6, 2012 election); effective December 5, 2012.) The Arts Education and Access Fund is hereby created. The purpose of the Fund is to receive Gross Revenues received from the Arts Education and Access Income Tax and provide the Net Revenues to the School Districts and to the

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Regional Arts and Culture Council solely for the purposes established in Chapter 5.73 of this Code. In no case shall Net Revenues be transferred from the Arts Education and Access Fund to the City's General Fund, or any other fund, for any other purpose.

5.04.520 Mt. Hood Cable Regulatory Commission Agency Fund.

(Added by Ordinance No. 186065, effective June 5, 2013.) The Mt. Hood Cable Regulatory Commission Agency Fund is hereby created for the receipt and expenditure of monies received from cable franchisees and Public, Education and Government fees on behalf of Multnomah County and the cities of Gresham, Fairview, Troutdale, and Wood Village under the Intergovernmental Agreement, approved by Ordinance No. 166168 enacted on January 20, 1993, and as modified by subsequently approved amendments. Into this Fund shall be deposited all payments received from the cable franchisees of the County and the Cities, interest earned thereon while in this Fund and any other monies which are appropriate revenues of this Fund. The monies shall be expended only for purposes authorized under the Intergovernmental Agreement, and the Commission's approved budget.

Chapter 5.32

**PURCHASING AGENT
AND PROCEDURES**

(Repealed by Ordinance Nos. 174509
and 174904, effective January 1, 2001.)

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Chapter 5.33

GOODS AND SERVICES

(Chapter replaced by Ordinance No. 180350,
effective August 25, 2006.)

Sections:

- 5.33.010 Definitions.
- 5.33.020 City Council as Local Contract Review Board.
- 5.33.030 Application of Purchasing Code.
- 5.33.040 Authority of Chief Procurement Officer.
- 5.33.050 Authority for Golf Concession Contracts.
- 5.33.055 Authority of Appropriate Unit Managers.
- 5.33.060 Authority of Directors.
- 5.33.065 Authority for Stormwater Improvements.
- 5.33.070 Purchasing Goods, Services and Public Improvements from City Employees.
- 5.33.075 Affirmative Action.
- 5.33.080 Environmentally Preferable Procurement.
- 5.33.085 Preference for Goods Fabricated or Processed within State or Services Performed Within State.
- 5.33.090 Use of Price Agreements.
- 5.33.100 Overview of Source Selection and Contractor Selection.
- 5.33.105 Feasibility and Cost Analysis.
- 5.33.110 Qualified Rehabilitation Facilities.
- 5.33.120 Sole-Source Procurements.
- 5.33.130 Emergency Procurements.
- 5.33.135 Declaration of State of Emergency or Disaster.
- 5.33.140 Cooperative Purchasing.
- 5.33.145 Rules on all types of Cooperative Procurements.
- 5.33.150 Joint Cooperative Procurements.
- 5.33.160 Permissive Cooperative Procurements.
- 5.33.170 Interstate Cooperative Procurements.
- 5.33.180 Small Procurements.
- 5.33.190 Intermediate Procurements.
- 5.33.200 Competitive Sealed Bidding.
- 5.33.205 Multi-Step Sealed Bids.
- 5.33.210 Competitive Sealed Proposals.
- 5.33.211 Procedures for Competitive Range, Multi-Tiered and Multi-Step Proposals.

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- 5.33.220 Special Procurements.
- 5.33.300 Public Notice of Solicitation for Contracts over \$150,000.
- 5.33.310 Specifications and Brand Names.
- 5.33.320 Bids or Proposals are Offers.
- 5.33.330 Facsimile Bids and Proposals.
- 5.33.340 Electronic Procurement.
- 5.33.350 Reverse Auctions.
- 5.33.360 Contract Conditions.
- 5.33.400 Offer Preparation.
- 5.33.410 Bid or Proposal Security.
- 5.33.420 Pre-Offer Conferences.
- 5.33.430 Addenda to Solicitation Document.
- 5.33.440 Request for Clarification or Change.
- 5.33.450 Offeror Submission.
- 5.33.460 Pre-Closing Modification or Withdrawal of Offers.
- 5.33.470 Receipt, Opening and Recording of Offers.
- 5.33.480 Late Offers, Late Withdrawals and Late Modifications.
- 5.33.490 Mistakes.
- 5.33.495 Time for City Acceptance.
- 5.33.500 Responsibility of Offerors.
- 5.33.505 Qualified Products Lists.
- 5.33.510 Prequalification of Prospective Offerors; Pre-Negotiation of Contract Terms and Conditions.
- 5.33.530 Debarment of Prospective Offerors.
- 5.33.540 DBE Disqualification.
- 5.33.610 Offer Evaluation and Award.
- 5.33.620 Negotiation With Offerors Prohibited.
- 5.33.625 Contract Preferences.
- 5.33.630 Reciprocal Preferences.
- 5.33.635 Contract Preferences: Recycled Materials.
- 5.33.640 Rejection of All or Part of an Offer.
- 5.33.645 Rejection of All Offers.
- 5.33.650 Notice of Intent to Award.
- 5.33.660 Cancellation, Delay or Suspension of Solicitation.
- 5.33.670 Disposition of Offers if Solicitation Canceled.
- 5.33.675 Documentation of Award.
- 5.33.685 Availability of Award Decisions.
- 5.33.690 Performance and Payment Security; Waiver.
- 5.33.695 Notification to State of Nonresident Contractor.
- 5.33.700 Protests and Judicial Review of Special Procurements.
- 5.33.710 Protests and Judicial Review of Sole-Source Procurements.
- 5.33.720 Protests and Judicial Review of Multi-Tiered Solicitations.
- 5.33.730 Protests and Judicial Review of Solicitation Documents and the Procurement Process.

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- 5.33.740 Protests and Judicial Review of Contract Award.
- 5.33.750 Protests of Other Violations.
- 5.33.760 Review of Prequalification and Debarment Decisions.
- 5.33.770 Procurement Board of Appeals.
- 5.33.780 Powers of the Board.
- 5.33.790 Appeal to Board.
- 5.33.900 Social Equity Contracting and Employment Programs.
- 5.33.920 Records Maintenance; Right to Audit Records.
- 5.33.930 Right to Inspect Plant or Place of Business.
- 5.33.940 Contract Cancellation, Contractor Termination Procedures.

5.33.010 Definitions.

(Amended by Ordinance Nos. 181547, 183445 and 185898, effective February 20, 2013.)

- A. The following definitions apply to the City of Portland's Purchasing Authority, Policies and Rules as contained in this Chapter.
 - 1. **Addendum or Addenda:** Additions or deletions to, material changes in, or general interest explanations of the City's Solicitation Documents.
 - 2. **Advantageous:** In the City's best interests, as assessed according to the judgment of the City.
 - 3. **Affected Person/Offeror:** A Person or Offeror whose ability to participate in a Procurement or Public Improvement Contract is adversely affected by the City.
 - 4. **Amendment:** Additions or deletions to or material changes to a City Contract.
 - 5. **Authorized Representative:** The owner of a sole proprietorship, a partner in a firm or partnership, or, a person authorized to bind a corporation's board of directors.
 - 6. **Award:** The decision of the City to enter into a Contract with an Offeror.
 - 7. **Bid:** A response to an Invitation to Bid.
 - 8. **Bid or Proposal Bond/Bid or Proposal Security/Offer Security:** A means of securing execution of an Awarded Contract.
 - 9. **Bidder:** An Offeror who submits a Bid in response to the City's Invitation to Bid.

- B.** Upon issuance of the bond, the applicant will pay the Portland Development Commission a one-time issuance fee equal to seven dollars per 1,000 dollars of the face amount of the bonds for ongoing administration of the bonds. On bonds issued prior to March 23, 1988, the annual administration fee will henceforth be seventy-five cents per 1,000 dollars of the outstanding principal, billed yearly in advance. On bonds issued prior to March 23, 1988, the Portland Development Commission and applicants of outstanding issues may enter into an agreement to pay a one-time fee in lieu of the annual administration fee.
 - 1.** For refunding bonds issued under ORS Chapter 280 for economic development projects, if the one-time issuance fee has been paid in accordance with subsection (b) for the bonds being refunded, and the Portland Development Commission determines the refunding will not generate additional ongoing administration costs, the fee or an equitable portion thereof may be waived. Nothing in this subsection (1), however, should be construed to eliminate or limit the applicant's responsibility to pay all fees and expenses of the City and the Portland Development Commission described in subsection (a) of this section in connection with issuing the refunding bonds.

5.72.110 Bond Issuance.

Upon receipt of the recommendation of the Portland Development Commission, the Council may by ordinance authorize the issuance of bonds in an amount equal to the costs of the proposed project, pursuant to Chapter 772, Oregon Laws of 1977, if it determines that the proposed issue meets the requirements of said Act and this Chapter.

5.72.120 Reporting Requirements.

- A.** Beginning no later than 12 months following the issuance of bonds by the City, and continuing annually for a period as long as the bonds are outstanding, the Portland Development Commission shall require each project owner of the assisted project to submit a written report which describes:
 - 1.** Number of current employees by job category.
 - 2.** Total assessed value and property taxes paid during the most recent period for the assisted facility or facilities.
- B.** In addition to the foregoing, owners of multi-family projects assisted under this Chapter are required to report annually the number of residential units occupied by individuals or families who, at the date of reporting, have low or moderate incomes.

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Chapter 5.73

ARTS EDUCATION AND ACCESS INCOME TAX

(Chapter added by Resolution No. 36939
(approved at November 6, 2012 election);
effective December 5, 2012.)

- 5.73.010 Definitions.
- 5.73.020 Tax Imposed.
- 5.73.030 Net Revenues Distribution.
- 5.73.040 Intergovernmental Agreements.
- 5.73.050 Citizen Oversight Committee.
- 5.73.060 Audits.
- 5.73.070 Effective Dates.
- 5.73.080 Revenue Bureau Responsibilities.
- 5.73.090 Limitation on Costs.
- 5.73.100 Confidentiality.
- 5.73.110 Frivolous Filing, False Filing and Hacking.

5.73.010 Definitions.

(Amended by Ordinance Nos. 185827 and 185960, effective May 3, 2013.) For the purposes of this paragraph, the following definitions apply unless the context requires a different meaning.

- A. “Catchment” means the geographical area from which an elementary school within a District draws its students.
- B. “Director” means the Director of the Revenue Bureau, or authorized designee.
- C. “Gross Revenues” means the total of all revenue received by the City of Portland from the Arts Education and Access Income Tax without regard to collection, administrative or other costs.
- D. “Income-earning resident” means a resident who has income of \$1,000 or more in the tax year.
- E. “Net Revenues” means the revenue remaining after interest, collection, administrative and other costs and refunds are deducted from Gross Revenues.
- F. “Portland K-5 Students” means students that reside within the geographical boundary of the City of Portland, Oregon that attend Kindergarten through 5th grade in public schools.

- G.** “Resident” or “resident of the City” means:
- 1.** An individual who is domiciled in this City unless the individual:
 - a.** Maintains no permanent place of abode in the City;
 - b.** Does maintain a permanent place of abode elsewhere; and
 - c.** Spends in the aggregate not more than 30 days in the taxable year in the City; or
 - 2.** An individual who is not domiciled in the City but maintains a permanent place of abode in the City and spends in the aggregate more than 200 days of the taxable year in the City unless the individual proves that the individual is in the City only for a temporary or transitory purpose. For purposes of this Subsection, a fraction of a calendar day shall be counted as a whole day.
- H.** “Resident” or “resident of the City” does not include:
- 1.** An individual who is a qualified individual under section 911(d)(1) of the Internal Revenue Code for the tax year;
 - 2.** A spouse of a qualified individual under section 911(d)(1) of the Internal Revenue Code, if the spouse has a principal place of abode for the tax year that is not located in the City; or
 - 3.** A resident alien under section 7701(b) of the Internal Revenue Code who would be considered a qualified individual under section 911(d)(1) of the Internal Revenue Code if the resident alien were a citizen of the United States.
- I.** “Schools” means those educational institutions defined as schools by the Oregon Department of Education, but do not include on-line schools.
- J.** “School Districts” means the Portland Public, David Douglas, Centennial, Parkrose, Reynolds and Riverdale school districts.

5.73.020 Tax Imposed.

A tax of \$35 is imposed on the income of each income-earning resident of the City of Portland, Oregon who is at least eighteen years old. No tax will be imposed on filer(s) within any household that is at or below the federal poverty guidelines established by the federal Department of Health and Human Services for that tax year.

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5.73.030 Net Revenues Distribution.

Net Revenues will be paid by the Revenue Bureau to the Arts Education and Access Fund for distribution by the City as follows:

- A.** First, funds shall be distributed to the School Districts for the purpose of hiring certified arts or music education teachers for elementary school students for Kindergarten through 5th grade (K-5). Distribution shall be based on a ratio of one teacher for every 500 K-5 students at schools that serve Portland K-5 students, except that Charter schools shall be funded based on a ratio of one teacher for every 500 Portland K-5 students served by the Charter school. Students attending schools that receive no distribution of funds shall not be counted. In the event that a school has less than 500 K-5 students, or in the case of Charter schools, less than 500 Portland K-5 students, funds shall be distributed on a pro rata basis based on the number of students attending that school. Funds shall not be distributed to:
1. Elementary schools within the School Districts that have no Portland K-5 students; and
 2. Elementary schools within the School Districts that have Portland K-5 students enrolled, but whose catchment does not overlap with the City of Portland's geographical boundaries.
- B.** Any funds remaining after distribution to the School Districts shall be distributed to the Regional Arts & Culture Council (RACC). The City shall execute a contract amendment with RACC to ensure the funds are spent as follows:
1. Up to 95 percent of the remaining funds shall be distributed to RACC for grants to support non-profit Portland arts organizations that demonstrate artistic excellence, provide service to the community, show administrative and fiscal competence and provide a wide range of high-quality arts programs to the public. RACC will make the determination as to which arts organizations shall be supported, in accordance with their contract with the City. In the event that RACC distributes less than 95 percent of the funds to non-profit Portland arts organizations, the remaining funds shall be distributed for the purpose of providing grants and programs as described in Subsection 2. below.
 2. A minimum of 5 percent of the remaining funds shall be distributed to RACC for the purpose of providing grants and programs to non-profit arts organizations, other nonprofits and schools that will give access to high-quality arts experiences to Kindergarten through 12th grade students (K-12) and for grants and programs that will make arts and culture experiences available to Portland residents, with particular emphasis on

programs directed to communities who are underserved by local arts providers.

3. These funds are in addition to existing and ongoing financial support from the City to RACC.

5.73.040 Intergovernmental Agreements.

The City will execute Intergovernmental Agreements (IGAs) with the School Districts and will amend its contract with RACC and require them to provide independently audited financial statements each year that show how the funds received pursuant to this program are spent.

5.73.050 Citizen Oversight Committee.

(Amended by Ordinance No. 185827, effective December 19, 2012.) The City will appoint a citizen oversight committee that is representative of the City's diverse communities to ensure the Arts Education and Access Fund is being implemented as required, to review expenditures made and to report their findings in a public record to the City Council on an annual basis. The committee shall be comprised of a minimum of 10 and a maximum of 20 members, including, if possible, a member of the Tax Supervising and Conservation Commission.

5.73.060 Audits.

The City will receive copies of annual independent audits or other documentation regarding expenditures by RACC and the School Districts each year. The Arts Education and Access Fund also will be part of the City's independent annual audit report, the results of which will be made available to the public.

5.73.070 Effective Dates.

This tax will be effective beginning with the tax year 2012 and shall continue each year thereafter. Payment of the tax each year is due on the date on which state taxes are due, not including any extensions of time that might be requested or received.

5.73.080 Revenue Bureau Responsibilities.

The Revenue Bureau shall:

- A. Receive the Gross Revenues derived from the Arts Education and Access Income Tax and distribute the Net Revenues in accordance with the IGAs and RACC contract;
- B. Keep accurate records of the funds;
- C. Report to the City Council by way of a public record on all funds received and directed to the School Districts and RACC;

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- D.** Adopt administrative rules necessary to implement tax collection and administration.
- E.** If necessary, contract with public or private agencies to fulfill any of its duties in regard to this Arts Education and Access Income Tax and the Arts Education and Access Fund; and
- F.** Accept any and all gifts and donations to the Arts Education and Access Fund.

5.73.090 Limitation on Costs.

(Amended by Ordinance No. 185960, effective May 3, 2013.)

- A.** The Revenue Bureau's first year start-up costs are capped at \$600,000. Ongoing administrative costs are capped at an average 5 percent or less of Gross Revenues over a five year period.
- B.** The City's contract amendment with RACC will require RACC to:
 - 1.** Limit any additional RACC arts education coordination costs incurred as a result of receiving funds to a maximum of 3 percent of Net Revenues;
 - 2.** Ensure that highly qualified persons will coordinate and work with the School Districts in the provision of high quality arts and/or music education;
 - 3.** Seek additional funds from other sources for arts education and access to supplement the goals of the Arts Education and Access Fund;
 - 4.** Provide quality oversight to the programs of the School Districts as well as the expenditures made by RACC; and
 - 5.** Coordinate between School Districts and arts organizations to ensure high quality arts education for Portland students.

5.73.100 Confidentiality.

(Added by Ordinance No. 185827, effective December 19, 2012.) It is unlawful for any City employee, agent or elected official, or for any person who has acquired financial information pursuant to Chapter 5.73 or the Bureau's administrative rules to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of the Arts Education and Access Income Tax, unless otherwise required by law. This Section does not prohibit:

- A.** Disclosure to the taxfiler or authorized representative of the taxfiler;

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- B.** Disclosure of the names and addresses of any persons that paid the Tax;
- C.** Disclosure of general statistics in a form which would prevent the identification of financial information regarding an individual taxfiler;
- D.** Disclosure to the City Attorney's Office to obtain payment on unpaid accounts or to receive legal advice; or
- E.** Disclosure to an outside collection agency for collection of any unpaid account balance receivable. Assignment to an outside collection agency permits the Bureau to collect a reasonable collection fee, above and beyond any amount otherwise owed to the Bureau;
- F.** Disclosure as otherwise required by law.

5.73.110 Frivolous Filing, False Filing and Hacking.

(Added by Ordinance No. 185827, effective December 19, 2012.)

- A.** A \$250 penalty will be assessed if a taxfiler takes a "frivolous position" in respect to preparing the taxfiler's tax return. A tax return is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5)(2) are hereby adopted by direct reference.
- B.** A \$250 penalty will be assessed if a taxfiler willfully makes or provides false statements related to their tax return filing.
- C.** The provisions of PCC Subsection 7.02.850 regarding Hacking apply.

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Chapter 5.74

ACQUISITION OF PUBLIC ART

(Replaced by Ordinance No. 161537,
amended by Ordinance Nos. 168591 and 179869, effective February 10, 2006.)

Sections:

- 5.74.010 Purpose.
- 5.74.020 Definitions.
- 5.74.030 Dedication.
- 5.74.040 Public Art Trust Fund.
- 5.74.050 Siting.
- 5.74.060 Guidelines.
- 5.74.070 Ownership.
- 5.74.080 Decisions.
- 5.74.090 Implementation.

5.74.010 Purpose.

It is the purpose of this Chapter and the policy of the City of Portland to dedicate two percent of the total Eligible Costs or two percent of the total Eligible Funds of all Improvement Projects (whichever is less) to the selection, acquisition, fabrication, installation, maintenance, management, deaccessioning, community education, documentation and registration of Public Art.

5.74.020 Definitions.

(Amended by Ordinance No. 178946, effective January 7, 2005.

A. As used in this Chapter:

1. Improvement Project means any project paid for wholly or in part by a Participating Bureau in which the Participating Bureau's contribution of Eligible Funds equals \$50,000 or more for the construction, rehabilitation, remodeling, improvement or purchase for a public use of any building, structure, park, public utility, street, sidewalk or parking facility or any portion thereof within the limits of the City of Portland.
2. Maintenance and repair does not constitute an Improvement Project.
3. Improvement Projects which are developed privately and leased back to the City of Portland are not exempt from the provisions of this Chapter.
4. The purchase of improved or unimproved property by the Portland

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funeral vehicles, wedding vehicles, special events, security for visiting dignitaries, and other special restrictions deemed necessary by the Police Bureau or Bureau of Transportation. Special use permits will not be issued to allow the display or sale of merchandise.

- B.** No vehicle may park in a special use permit area unless authorized by the special use permit.

16.20.595 Improper Use.

(Amended by Ordinance Nos. 170923 and 179141, effective March 23, 2005.)

- A.** It is a violation to improperly use a permit, meter hood, sign, or curb marking, and will be cause for the revocation of the permit, meter hood, sign, or curb marking. A citation or a civil penalty will be assessed of up to \$1,000 by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.
- B.** The permit applicant is fully responsible for any violation of the conditions of the permit.
- C.** All fees paid will be forfeited in the event of revocation. All fines are due within 30 days after the fine is levied. All civil penalties assessed by the City Traffic Engineer are due within 30 days unless an appeal is made.
- D.** Decisions of the City Traffic Engineer regarding the revocation of a general parking permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.20.600 Vehicle Parking Permits.

16.20.601 Purpose.

A vehicle permit may be issued to allow a vehicle to legally park in violation of specific parking regulations. A vehicle permit may apply in a designated parking zone, parking meter, or elsewhere depending on the specifications of the permit.

16.20.603 Current Approval Required Before Use.

- A.** All vehicle permits, including meter hoods, must have current approval of the City Traffic Engineer at the time the permit is used by the permittee.
- B.** The City Traffic Engineer may deny a vehicle permit application based on a demonstrated history of permit abuse by the applicant during the previous 12-month period.

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- C. Unless otherwise specified, all vehicle permits issued by authority of this Section will expire January 1, following the calendar year in which the permit was issued.
- D. A duplicate permit may be issued by the City Traffic Engineer upon receipt of a replacement application and fee from the permittee.
- E. No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of permits issued by the City Traffic Engineer.
- F. Decisions of the City Traffic Engineer regarding the issuance of vehicle permits may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.20.605 All Traffic Laws Apply to Permit Holder.

All permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

16.20.610 Media Permit.

(Amended by Ordinance No. 176394, effective April 17, 2002.) A media permit allows parking in any area designated by the permit. This permit may be issued to a radio or television station and to a newspaper. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.620 Commercial Permit.

A commercial permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.630 Delivery Permit.

A delivery permit allows parking in any area designated by the permit. This permit may contain restrictions deemed necessary by the City Traffic Engineer.

16.20.640 Disabled Person Permit.

(Amended by Ordinance Nos. 166575, 170923, 179141, 181507, 181914, 182345, 182935, 184628, 185036, 185785 and 186096, effective June 19, 2013.)

- A. A vehicle with an official disabled person registration plate, while transporting a disabled person, or a vehicle while transporting a person with an official disabled person placard issued by a state Department of Motor Vehicles, may park:
 - 1. In any space designated for a vehicle with a disabled person parking permit for any amount of time (subject to on-street storage regulations);
 - 2. In any metered or nonmetered space with a designated time limit of 30 minutes or more for any amount of time without fee; or

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- F.** Parking privileges for vehicle parking utilizing Section 16.20.640 will be extended under Senate Bill 716 Section 7 (3). All regulations within this Section will be granted and enforced; this Section will expire on December 31, 2013.

16.20.645 Wheelchair User Disabled Person Parking Permit.

(Added by Ordinance No. 181507, effective January 1, 2008.)

- A.** A vehicle with a “Wheelchair User” placard or decal issued by a state Department of Motor Vehicles, while transporting a disabled person, or a vehicle while transporting a person with a “Wheelchair User” placard or decal, may park:
- 1.** In any space designated for a vehicle with a “Wheelchair User” placard or decal for any amount of time (subject to on-street storage regulations);
 - 2.** In any metered or non-metered space with a designated time limit of 30 minutes or more for any amount of time without fee; or
 - 3.** In any metered or non-metered space with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit with fee, if applicable, except in any space reserved for special types of vehicles or activities; e.g., truck loading zones, carpool zones, area parking permit areas.
- B.** A vehicle with a program placard issued under ORS 811.607 may park as provided under ORS 811.637.
- 1.** Penalties:
 - a.** Unlawful use: if a person is not a disabled person and is not transporting the holder of a “Wheelchair User” placard or decal to or from the parking location and the person uses a “Wheelchair User” placard or decal to exercise parking privileges under this Section, that person commits unlawful use under Oregon Revised Statutes.
 - b.** Misuse: if a driver uses a “Wheelchair User” placard or decal for any purpose other than exercising the privileges granted, the driver commits permit misuse under Oregon Revised Statutes.
- C.** A vehicle with a “Wheelchair User” placard or decal issued under ORS 811.602 through 811.637 or by the authority of another state with current Wheelchair User permit, may park as provided under ORS 811.637.
- 1.** Penalties:

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4. The amount of the SDC shall be determined at the end of each 12 month period by multiplying the applicable dollar amount, as provided in the City Rate Study, by the change in average weekday trip count by mode type during the intervening 12 month period over the highest prior documented average weekday trip count since October 18, 1997. Such SDC, if any, shall be due and payable within 45 days from the close of the 12-month period. A reduction in trips by any mode shall allow the Applicant Institution to reduce future annual assessment against the same mode by the number of such reduced trips.
 5. For uses that calculate the SDC using a unit of measure other than square feet, such as the number of students, movie screens, etc., the first Application submitted for such a use that is subject to this Chapter shall establish the baseline number of existing units of measure. No SDC shall be assessed against that baseline. A baseline trip rate so established shall be valid, and need not be recalculated, for the next 12 months.
- C. Port Development. At the applicant's option, Port Development may be subject to assessment under Subsection A. of this Section, or under this Subsection. If the Applicant elects assessment under this Subsection C., the Applicant and the City shall negotiate an agreement for the payment of a fee in lieu of the Transportation SDC that includes the following elements:
1. A methodology for estimating the amount of the SDC which would be imposed pursuant to Subsection A. or B. above, during a period of not less than either 3 years or until the expiration of the SDC project list, whichever is less, nor more than 10 years as specified by the Applicant. The methodology shall take into account the Port Development anticipated under the Applicant's master plan during the period specified in that plan, the trips that the Port Development is expected to generate, trip levels against which SDC charges have historically been assessed, the anticipated increases or decreases in the dollar amounts of the SDC during the specified period, any applicable credits or exemptions and any other factors which the Administrator deems to be relevant. In no event shall the charge estimated under this Subsection be less than the SDC that would otherwise be due for the Port Development and the Applicant shall indicate its agreement to the methodology in writing; and
 2. A payment period shall be imposed by which the Applicant shall pay in full the amount due within 12 months of the Applicant's agreement to the methodology.

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3. In the event the Applicant and the City are unable to agree to a methodology under this Subsection, the normal method of calculating and assessing the SDC under Subsection A. or B. shall apply.

17.15.050 Partial and Full Exemptions.

(Amended by Ordinance Nos. 171698, 173437, 177198, 181322, 182389, 182652, 183679, 183448, 184756, 185195 and 185987, effective May 17, 2012.) The uses listed and described in this section shall be exempt, either partially or fully, from payment of the Transportation SDC. Any Applicant seeking an exemption under this Section shall specifically request that exemption within 180 days after building permit issuance for the New Development. Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption. The balance of the New Development which does not qualify for any exemption under this section shall be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must apply for an Alternative Exemption calculation under Section 17.15.070. The Applicant has the burden of proving entitlement to any exemption so requested.

- A. Temporary uses are fully exempt so long as the use or structure proposed in the New development will be used not more than 180 days in a single calendar year.
- B. New Development which, will not generate more than 15 percent more vehicle trips than the present use of the property and does not increase vehicle trips by more than 250 vehicle trips shall be fully exempt.
- C. Affordable housing is exempt pursuant to Section 30.01.095.
- D. The City of Portland is phasing out the exemption for the Transit Oriented Development (TOD) as calculated per Section 17.15.050 D.1. and 3. below. From January 1, 2008 through December 31, 2008, eligible development shall receive 100 percent of the exemption; from January 1, 2009 through December 1, 2009, eligible development shall receive 67 percent of the total exemption; and from January 1, 2010 through December 31, 2010, eligible development shall receive 33 percent of the total exemption. No TOD exemption shall be provided after December 31, 2010, as calculated per Section 17.15.050 D.1. and 3. Transit Oriented Development (TOD) as calculated per Section 17.15.050 D.2. shall be exempt from the SDC as described below from January 1, 2008 through December 31, 2012. No TOD exemption shall be provided after December 31, 2012.

No exemption for Transit Oriented Development (TOD) shall be provided for any SDC based upon the North Macadam Overlay Rate Study or the Innovation Quadrant Overlay Project Report.

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1. Within the Central City Plan District, New Development that meets Transit Oriented Development definition MM.1., MM.2.a. or MM.2.b. shall be liable for only 10 percent of the vehicle portion of the SDC and 90 percent of the transit and non-motorized portion of the SDC.
2. For all areas outside of the Central City Plan District, New Development that meets Transit Oriented Development definition MM.3.a., MM.3.b., or MM.3.c. shall be liable for only 50 percent of the vehicle portion of the SDC and 100 percent of the transit and non-motorized portion of the SDC.
3. For all areas outside of the Central City Plan District, New Development that meets the density requirements in Transit Oriented Development definition MM.2.a., or MM.2.b. shall be liable for only 10 percent of the vehicle portion of the SDC and 90 percent of the transit and non-motorized portion of the SDC.

E. Graded Scale: A change in occupancy of an existing building where the gross enclosed floor area does not exceed 3,000 square feet is fully exempt. A change in occupancy of an existing building where the gross floor area is between 3,000 square feet and 5,000 square feet shall be assessed on a graded scale. The percentage of the rate to be assessed on the entire existing building shall be calculated by the following equation:

$$(\text{size of existing building} - 3,000 \text{ square feet}) / 2,000 \text{ square feet}$$

Examples of Graded Scale Assessment Calculations

$(4,000 - 3,000) / 2,000 = 0.50$ Existing 4,000 square foot building assessed at 50% of the rate

$(3,200 - 3,000) / 2,000 = 0.10$ Existing 3,200 square foot building assessed at 10% of the rate

$(4,900 - 3,000) / 2,000 = 0.95$ Existing 4,900 square foot building assessed at 95% of the rate

- F.** Alteration permits for tenant improvements, new construction or remodeling where
1. no additional dwelling unit(s) or structure(s) are created;
 2. which is not reasonably expected to result in a significant increase in additional trips according to table 4-9 of the City Rate Study, and if

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applicable, the North Macadam Overlay Rate Study or the Innovation Quadrant Overlay Project Report;

3. the use or structure is of a temporary nature and is used less than 180 days in a calendar year;
- G. The construction of accessory buildings or structures which will not create additional dwelling units or which do not create additional demands on the City's capital improvements.
- H. Any newly permitted and constructed accessory dwelling unit (ADU) conforming to the Title 33 definition of an ADU will receive a waiver of SDC fees if a complete building permit application is submitted for the ADU from April 15, 2010 through July 31, 2016, provided that the new ADU receiving a waiver obtains an occupancy permit no later than June 30, 2017. If an occupancy permit is not obtained by June 30, 2017, an occupancy permit will not be issued until the SDC are paid at the rates in effect at the time the occupancy permit is issued.
- I. For New Development which includes a mix of exempt and non-exempt forms of development, the applicable exemption(s) shall apply only to that portion of the New Development to which the exemption applies.

17.15.060 SDC Credits, SDC Credit Transfers and SDC Reimbursements.

(Amended by Ordinance Nos. 172677, 173121, 173437, 174936, 181322, 182652, 184756 and 185195, effective March 14, 2012.)

A. SDC Credits:

1. The City shall grant a credit against the Transportation SDC, which is otherwise assessed for a New Development, for any Qualified Public Improvement(s) constructed or dedicated as part of that New Development. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Credit and to a particular value of SDC Credit.
 - a. To obtain an SDC Credit, the Applicant must specifically request a credit within 180 days after building permit issuance for the New Development. In the request, the Applicant must identify the improvement(s) for which credit is sought and explain how the improvement(s) meet the requirements for a Qualified Public Improvement. The Applicant shall also document, with credible evidence, the value of the improvement(s) for which credit is sought. If, in the Administrator's opinion, the improvement(s) are Qualified Public Improvement, and the Administrator concurs with

20.12.140 Animals.

(Amended by Ordinance No. 186008, effective May 31, 2013.)

- A.** No person shall injure, harm, disturb, or molest any wild or domestic animal in any Park.
- B.** No person owning, in control of or responsible for any dog shall allow that dog to be in any Park if the dog is not held securely on a leash no greater than eight feet in length, except in such Parks or portions of Parks as the Director may designate as off-leash areas, or during such times as the Director may establish as off-leash hours; provided, however, that a violation of any rule established by the Director governing any designated off-leash area or off-leash hours shall be a violation of this Section. Nothing in this Section shall limit the authority of the Director to terminate, alter or amend the designation of any off-leash area or off-leash hours.
- C.** No person owning, in control of or responsible for any horse or other animal capable of being ridden by a person shall allow that animal to be in any Park, except in such Parks or portions of Parks as the Director may designate for use by such animals.
- D.** No person shall hitch any animal to any tree, shrub, fence, railing, or other structure or facility in any Park, except to such structures or facilities as are designated for that purpose.
- E.** No person shall bring or keep any animal in any Park if the animal is not within the person's immediate reach and control.
- F.** No person owning, in control of or responsible for any animal shall allow that animal to enter or remain upon any of the following in any park:
 - 1.** Any lake, fountain, pond or stream.
 - 2.** Any tennis court, basketball court, running track or other artificial sports surface or manicured turf sports field.
 - 3.** Any sports facility enclosed by a fence or wall.
 - 4.** Any area where such animals are prohibited by the Director.
- G.** No person shall allow any animal in that person's ownership, possession, custody or control to injure any other person or animal or damage any property in any Park. Any person so allowing any animal to cause any such injury or damage

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shall be liable for the full amount of the injury or damage and for the costs of impounding the animal.

- H.** No person shall allow any animal in the person's possession, custody or control to discharge any fecal material in any Park unless the person promptly removes and disposes of the fecal material in an appropriate receptacle. No person shall allow any animal in the person's possession, custody or control to enter or remain in any Park unless the person has in the person's possession the equipment necessary to remove and properly dispose of any fecal material deposited by the animal in the Park.
- I.** No person owning, in control of or responsible for any animal shall allow that animal to be in any Park if the animal is not in compliance with applicable Multnomah County Animal Control regulations; provided, however, that dogs otherwise complying with those regulations may be off leash in designated off-leash areas or during designated off-leash hours.
- J.** Any animal in any Park in violation of any provision of this Section may be impounded, at the expense of the animal's owner, on the order of any Park Officer or of any Animal Control officer.
- K.** The prohibitions of this Section do not apply to service animals while performing their qualifying services, nor to animals while in the course of the official performance of police or rescue activities.
- L.** Notwithstanding any other provision of this Code, any person violating Subsections 20.12.120 B., E., F. or H. is subject only to a civil penalty not to exceed \$150 for each violation. Any person assessed a civil penalty under this Subsection may appeal the citation to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code.

20.12.150 Fishing and Bathing.

No person shall fish, wade, swim, or bathe in any Park except in the places designated by the Director for such purposes.

20.12.160 Unlawful Use of River Frontage Along Park Property.

- A.** No person shall jump or dive from any seawall, pier or dock in any Park, into the Willamette or Columbia Rivers.
- B.** No person shall tie or fasten any log, boat, or other floating equipment to or upon Park property bordering upon the Willamette or Columbia Rivers, except for temporary mooring of pleasure boats, in accordance with the provisions of Section 19.16.060 of this Code.

20.12.170 Use of Certain Devices or Equipment.

- A.** No person shall use any slingshot, javelin, shotput, discus, golf equipment, or archery equipment, or any device capable of launching a projectile, in or upon any Park, except in areas specifically designated or provided for that particular use, subject to the direction of authorized Park Officers.
- B.** No person shall use any wheeled vehicle, including unicycles, bicycles, tricycles, skateboards, roller skates or roller blades, motorized or unmotorized scooters, or any motorized vehicle on any tennis court, basketball court, running track or other artificial sports surface or designated sports facility except in areas specifically designated or provided for such use. The prohibitions of this Subsection shall not apply to medical mobility devices or to child strollers or baby carriages.
- C.** Without limiting the applicability of Section 20.12.030 to this or any other activity, no person shall ride or operate a skateboard on any brickwork, cobblestone or ornamental surface, picnic table, tennis court, fountain area, planter, or sculpture located in a Park.
- D.** No person shall operate any motorized vehicle or motorized wheeled vehicle or motorized wheeled device in any Park, except on Park roads or in designated vehicle parking areas, or by permit. The prohibitions of this Section do not apply to authorized service or emergency vehicles or to the following electric mobility devices used by persons who need assistance to be mobile, and used in accordance with all applicable park and traffic rules:

 - 1.** “Electric assisted bicycle” as defined in ORS 801.258;
 - 2.** “Motorized wheelchair,” “Mobility scooter” or “Power chair” defined as an electric powered transportation device for one person in a seated position, with feet resting on floorboards or foot rests, and incapable of exceeding a speed of 20 mph; or
 - 3.** “Human or personal transporter system” defined as a self-balancing, electric-powered transportation device with two wheels, able to turn in place, and designed to transport one person in a standing position, with a top speed of 20 mph.
- E.** No person shall operate an electric mobility device in a park in an unsafe manner or at a speed exceeding 15 mph, or, when pedestrians are present, at a speed exceeding 5 mph, or fail to yield the right-of-way to all pedestrians.

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20.12.180 Remote Control Vehicles, Aircraft and Watercraft.

No person shall operate any remote-controlled internal combustion powered vehicle, or any remote-controlled electric or internal combustion powered watercraft or aircraft, in, on or over any Park, except in such places the Director may designate for such use.

20.12.190 Emergency Park Closure.

- A.** In case of an emergency, or in case where life or property are endangered, all persons, if requested to do so by any Park Officer, shall depart from the portion of any Park specified by that Park Officer, and shall remain off that Park or that portion of the Park until permission is given to return.
- B.** Notwithstanding Section 20.12.210, whenever it is in the interest of public health or safety to do so, the Commissioner or the Mayor, the Director, or an officer of the Bureau of Police may close any Park, or any part thereof, and may erect or cause to be erected barricades prohibiting access to any such Park, or part thereof, at appropriate locations. Notices that any Park, or part thereof, is closed shall be posted at appropriate locations during the period of such closure, if feasible; however, failure to post such notices shall not invalidate such closure nor shall it invalidate any exclusion for violating this Section.
- C.** No person shall enter any Park or any part thereof that has been closed under this Section, or remain in such Park, or part thereof, after having been notified of the closure and having been requested to leave by the Commissioner, the Mayor, the Director or an officer of the Bureau of Police or Park Officer. A closure under this Section shall not exceed 18 hours without the written approval of the both the Commissioner and the Mayor.
- D.** When a state of emergency is declared under Section 15.04.040 of this Code, the Mayor or other persons authorized by Section 15.08.020 or by subsection B. of this Section may close any park and recreation facility to normal use and may designate that facility for emergency operations, which operations may include providing emergency services to the public, subject to the following conditions:
 - 1.** The scope of use of park facilities during such emergency shall be defined by approved City emergency plans or by the Mayor or Commissioner in Charge.
 - 2.** If emergency services are provided in any Park facility, members of the public may be allowed into the facility, under the control of and subject to restrictions and conditions established by the organization responsible for the emergency operations at that facility.

3. Costs incurred by Portland Parks and Recreation for emergency operations shall be submitted to the City's Office of Emergency Management for reimbursement. Costs reimbursable under this Section include facility operating costs, costs to repair damage caused by the emergency operations, and the costs to restore the facility to the condition it was in at the commencement of the emergency.
4. As soon as practicable after the state of emergency is officially terminated, any Park facility closed on account of the emergency or used for emergency operations will re-open for normal use.

20.12.200 Trespassing and Areas Closed to the Public.

- A. No person, without the consent of the Director or other authorized Park Officer, shall enter any building, enclosure, or place within any Park upon which the words "no admittance," or similar words indicating that entry is prohibited or restricted, are displayed.
- B. No person shall ride, drive, or walk on such parts or portions of the Parks or pavements as are closed to public travel, nor shall any person interfere with barriers erected in any Park.
- C. No unauthorized person shall enter any municipal swimming pool, secured stadium or other secured Park facility, or any enclosed area thereof, at any time other than when the facility is regularly open for public use.
- D. No person shall enter or remain in any municipal swimming pool, nor in any deck area adjacent thereto, nor in any locker room, shower room, changing room or restroom serving a municipal swimming pool, nor within any designated children's play area, nor in any area of a Park within twenty-five (25) feet of any outdoor pool fence line or children's play area, if the person previously has been convicted of any sexual offense under ORS 163.305 to 163.479, or under ORS 163.665 to 163.689, or under the laws of any other jurisdiction that would constitute such an offense if it had been committed in the State of Oregon, if the victim of any such offense was sixteen years of age or younger and was not biologically related to the person. This section shall not apply if the sole basis of the conviction was the lack of consent due solely to the victim's lack of capacity to consent by reason of being less than a specified age, if the victim was not more than three years younger than the person at the time of the offense.
- E. No person, other than a Park Officer on lawful business, shall enter or remain in or on any Park or Park facility for which an admission or use fee is required, without having paid that admission or use fee.

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- F. No person shall enter or remain in any Park in violation of an exclusion issued under Section 20.12.265.

20.12.210 Hours of Park Closure.

- A. No person shall be in a Park during hours of park closure. Unless the Director designates otherwise for any Park, "hours of park closure" means any time between the hours of 12:01 a.m. and 5 a.m.
- B. This Section shall not apply to the following:
1. Vehicular traffic crossing on a Park roadway;
 2. Pedestrians crossing the North or South Park Blocks, Pioneer Courthouse Square, Lownsdale Square, Chapman Square, Pettygrove Park, or Lovejoy Park.
 3. Persons playing golf at a municipal golf course when the golf course is open;
 4. Persons attending, participating in, going to or coming from an activity either programmed or scheduled by Portland Parks and Recreation or under a permit issued under Chapter 20.08;
 5. Persons in parked vehicles at scenic viewpoints along or adjacent to park roads, where designated parking areas are provided, at times when those roads are open to vehicular traffic;
 6. Pedestrians crossing a Park area between the two paved portions of one street or boulevard.

20.12.220 Condition of Parole or Probation or Judicial or Other Order.

No person shall be in any Park when that person is required by any term or condition of the person's parole, probation, post-prison supervision, pretrial release agreement or other judicial order, to stay out of the Park. No person shall be in any Park at any time if an exclusion of the person from that Park under Section 20.12.265 is in effect.

20.12.225 Exclusion From McCoy Park.

(Added by Ordinance No. 184073, effective August 18, 2010.) No person shall be in McCoy Park at any time if an exclusion of the person from New Columbia Properties or the Tamarack Apartments under a Housing Authority of Portland Notice of Exclusion is in effect, provided that the Housing Authority of Portland Notice of Exclusion conspicuously informs the person that, under the provisions of this Section, the person may not be in McCoy Park while that exclusion is in effect. For purposes of this Section,

“McCoy Park” means the area bounded by the public street right-of-way on the north by N. Fessenden St., on the south by N. Trenton St., on the east by N. Newman Ave. and on the west by N. Fiske Ave. A person excluded from McCoy Park by operation of this Section may, pursuant to Subsection 20.12.265 G. of this Code, apply in writing to the Commissioner for a waiver of some or all of the effects of the exclusion for good cause.

20.12.230 Pioneer Courthouse Square.

- A.** In addition to the other provisions of this Chapter, the provisions of this Section apply in Pioneer Courthouse Square. “Pioneer Courthouse Square” means the city block bounded on the north by the south curb of Southwest Morrison Street, on the south by the north curb of Southwest Yamhill Street, on the east by the west curb of Southwest Sixth Avenue, and on the west by the east curb of SW Broadway. It specifically includes the entire area of that block and all improvements thereon, including all pedestrian walkways and transportation shelters and facilities.
- B.** No person shall climb, stand, sit or lie upon any of the water troughs, trellises, garbage containers or planters, nor climb, stand or lie upon any bench within Pioneer Courthouse Square.
- C.** No person shall operate any radio or other amplified sound producing device, so as to be audible to another, within Pioneer Courthouse Square, except by permit.
- D.** No person shall throw any ball, disc or other object, use roller skates or skateboards, ride any bicycle or other wheeled device other than a medical mobility device or a child stroller or baby carriage, or roll any shopping cart within Pioneer Courthouse Square.
- E.** No person shall violate any ordinance, rule or regulation duly promulgated by TriMet governing the use of its shelters or other facilities located within Pioneer Courthouse Square.
- F.** The following areas of Pioneer Courthouse Square are designated exclusively for transit use:
 - 1.** The walkway areas under the overhead canopies adjacent to SW Yamhill Street, between the southernmost drip line of any overhead canopy and the south side of the base of the decorative wall; and
 - 2.** The area within the drip lines of the structures commonly known as the mushroom sculptures adjacent to SW Morrison Street.

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No person shall remain in those areas except for the purpose of entering into, exiting from or waiting for a light rail train or trolley.

- G.** No person shall smoke in any part of Pioneer Courthouse Square.
- H.** No person shall possess any type of fireworks, whether or not such fireworks are otherwise allowed by law, in Pioneer Courthouse Square, except by permit.
- I.** No person shall possess any graffiti instrument in Pioneer Courthouse Square with the intent that the instrument be used to tamper with, mar or deface property therein, or knowing that another person intends to so use it, or when a reasonable person would know that the instrument is likely to be so used. For purposes of this Subsection, “graffiti” means the unauthorized spraying or marking of paint, chalk, dye or any other substance to any building, structure or surface. For purposes of this Subsection, “graffiti instrument” means any can of paint or other marking substance under pressure, which can be used to spray surfaces with the paint or other marking substance, or any ink, chalk, dye or other instrument or article adapted or designed for spraying or marking surfaces.

20.12.240 Rules and Regulations, Directions of Park Officers to be Obeyed.

No person shall violate any rule or regulation established under the authority of Section 20.04.020 or 20.04.050, nor refuse or fail to obey any reasonable direction of a Park Officer. For purposes of this Section, a direction of a Park Officer is reasonable if it directs a person to obey, or to cease a violation of, any law, rule or regulation applicable in the Park, or if it is otherwise reasonably related to protection of the health, welfare or safety of the person or of any other person in the Park or to the prevention of damage to property, or if it is reasonably necessary to preserve the peace or to prevent the disruption of any organized activity or permitted event in the Park. A direction of a Park Officer is not “reasonable” under this Section if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.

20.12.250 Park Officers not Affected.

Nothing in this Chapter shall prohibit the performance by any Park Officer of any otherwise authorized act or duty.

20.12.265 Park Exclusions.

- A.** In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any Park Officer may exclude any person who violates any applicable provision of law in any Park from that Park in accordance with the provisions of this Section. Non-supervisory Park employees, other than Park Rangers, and employees of Golf Course concessionaires shall issue exclusions only at the direction of or with the approval of a supervisor or of the

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manager of the Park in which the exclusion is to be issued. Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this Section.

- B.** For purposes of this Section, "applicable provision of law" includes any applicable provision of this Code, of any City ordinance, or of any rule or regulation promulgated by the Commissioner or the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, any applicable County ordinance or regulation, and any ordinance or regulation adopted by the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) governing any Tri-Met facility in that Park. For purposes of this Section, "applicable" means relating to the person's conduct in the Park.

- C.** An exclusion issued under the provisions of this Section shall be for thirty (30) days. If the person to be excluded has been excluded from any Park at any time within two years before the date of the present exclusion, the exclusion shall be for ninety (90) days. If the person to be excluded has been excluded from one or more Parks on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.

- D.** Before issuing an exclusion under this Section, a Park Officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:
 - 1.** Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:
 - a.** Chapter 162 - Offenses Against the State and Public Justice;
 - b.** Chapter 163 - Offenses Against Persons;
 - c.** Chapter 164 - Offenses Against Property, except for ORS 164.805, Offensive Littering;
 - d.** Chapter 165 - Offenses Involving Fraud or Deception;

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- e. Chapter 166 - Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
 - f. Chapter 167 - Offenses Against Public Health, Decency and Animals;
 - g. Chapter 475 - Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
- 2. Otherwise involves a controlled substance or alcoholic beverage; or
 - 3. Has resulted in injury to any person or damage to any property; or
 - 4. Constitutes a violation of any of the following provisions of this Code:
 - a. Section 14A.40.030 - Indecent Exposure;
 - b. Section 14A.40.040 - Loitering to Solicit Prostitution;
 - c. Section 14A.40.050 - Unlawful Prostitution Procurement Activities;
 - d. Section 14A.60.010 - Possession of a Loaded Firearm in a Public Place;
 - e. Section 14A.60.020 - Discharge of a Firearm;
 - f. Section 14A.60.030 - Tear Gas and Stun Guns;
 - g. Section 14A.60.040 - Explosives and Bottle Bombs;
 - h. Section 20.12.030 – Unlawful Urination or Defecation, except if the conduct involves only urination on a permeable surface (such as grass, dirt, mulch or other plant materials) in a Park;
 - i. Section 20.12.040 - Unlawful Acts Involving Alcohol, Controlled Substances or Prescription Drugs;
 - j. Section 20.12.050 – Possession of Weapons;
 - k. Section 20.12.170 C - Use of Skateboards; or
 - 5. Is conduct for which the person previously has been warned or excluded for committing in any Park.

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- E.** Written notice shall be given to any person excluded from any Park under this Section. The notice shall specify the date, length and place of the exclusion, shall identify the provision of law the person has violated and shall contain a brief description of the offending conduct. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. It shall be signed by the issuing party. Warnings of consequences for failure to comply shall be prominently displayed on the notice.
- F.** A person receiving such notice of exclusion may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code Hearings Officer shall uphold the exclusion if, upon the Code Hearings Officer's de novo review, the preponderance of evidence admissible under the provisions of Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.
- G.** At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Commissioner for a waiver of some or all of the effects of the exclusion for good reason. If the Commissioner grants a waiver under this Subsection, the Commissioner shall promptly notify the Portland Police Bureau's Records Division and the Parks Director of such action. In exercising discretion under this Subsection, the Commissioner shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be in the Park during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the Commissioner determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this Subsection, the exclusion will be included for purposes of calculating the appropriate length of exclusions under 20.12.265 C. The decision of the Commissioner to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Commissioner, and is not subject to appeal or review.
- H.** If an appeal of the exclusion is timely filed under Section 20.12.265 F., the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon the issuance of the Hearings Officer's decision, unless the Hearings Officer specifies a later effective date.
- I.** If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under 20.12.265 C. If the predicate exclusion is set aside,

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the term of the subsequent exclusion shall be reduced, as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person for a single Park are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.

- J.** No person shall enter or remain in any park at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from that park.

Chapter 20.20

MUNICIPAL GOLF COURSE RATES

Sections:

- 20.20.010 Playing Rates.
- 20.20.020 Collection and Use of Fees.
- 20.20.030 Holders of Life Certificates.
- 20.20.040 Delegation of Authority.

20.20.010 Playing Rates.

(Replaced by Ordinance No. 173286, effective January 1, 1999.) Green fees shall be charged and collected for the privilege of playing golf at the Eastmoreland, Rose City, Progress Downs and the Greenback and Great Blue courses at Heron lakes. In addition, fees shall be charged and collected for the use of other golf facilities and equipment such as driving ranges and golf carts. The Director of Portland Parks and Recreation or his or her designee shall determine the appropriate rates related to the use of golf courses, their facilities, and equipment. Those rates and charges, as well as other necessary regulations, shall be listed in the "City of Portland Golf Operations Manual."

20.20.020 Collection and Use of Fees.

(Amended by Ordinance No. 139221, effective January 20, 1975.) It shall be the duty of the concessionaire contracted by the City to collect at the municipal golf courses and account for the fees herein provided. It will be the duty of City employees to collect and account for the fees where no such concessionaire contract is provided. All fees and charges received on account of the issuance of the tickets shall be devoted to administrative purposes of the City's golfing facility with the understanding that participants in the games are subject to prescribed rules and regulations, that they assume their own risks, and that no obligation on the part of the City shall obtain other than what may apply to the City in its governmental capacity.

20.20.030 Holders of Life Certificates.

(Amended by Ordinance No. 139221, effective January. 20, 1975.) Any person who has been employed by the Bureau of Parks in connection with the municipal golf courses for a period of 25 years or more, shall be granted a lifetime certificate entitling him to use without charge and at all times any golf facility operated by the City. Such certificates shall be issued by the Bureau of Parks and shall not be transferable.

The holder of a life certificate, however obtained, possesses no playing rights superior or prior to any person playing on a single green fee or otherwise in accordance with the rules of golf courses.

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20.20.040 Delegation of Authority.

(Added by Ordinance No. 141276, effective February 5, 1976.) The privilege of playing under any rate established herein may be suspended or terminated and cancelled immediately without refund by the Commissioner In Charge for any violation of course rules or regulations, or for any conduct which interferes with the proper administration of the golf course or its enjoyment by the public. The Commissioner In Charge is authorized to delegate his authority to the person in charge of each municipal golf course.

Chapter 20.24

PORTLAND ZOO ADMISSION
CHARGES

Sections:

- 20.24.010 Rates Established.
- 20.24.020 Portland Zoological Society Members.
- 20.24.030 Group Rates.
- 20.24.040 Special Events.
- 20.24.050 Lifetime Passes.
- 20.24.060 Rates Under Zoo Management Agreement.

20.24.010 Rates Established.

(Amended by Ordinance Nos. 131073, 133949, and 141817; effective May 27, 1976.)
The following charges shall be collected for admission to the Portland Zoo:

A. The Portland Zoological Society, while managing the Portland Zoo during the term of a Zoo management agreement with the City, may provide for free admissions and charge admission fees to the Zoo.

B. The prescribed admission fee for residents of the Metropolitan Service District shall be:

Children under 6 years	Free
Children 6 years and older	
but less than 12 years	\$.25
Persons 12 years or older	
but less than 65 years	\$.75
Persons 65 years or older	\$.25

C. The prescribed admission fee for nonresidents of the Metropolitan Service District shall be:

Children under 6 years	Free
Children 6 years and older	
but less than 12 years	\$.75
Persons 12 years or older	
but less than 65 years	\$1.50
Persons 65 years or older	\$.75

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- D. Supervised groups of children from schools, institutional homes, and nurseries located within the MSD area shall be admitted free with attending the Zoo as part of a regular child education program. Adults entrusted by the school or institution with custody and supervision of every such group also shall be admitted free, but only to the extent of one adult supervisor for each 10 children in the group.

20.24.020 Portland Zoological Society Members.

(Amended by Ordinance No. 132931, effective July 1, 1971.) Members of the Portland Zoological Society paying a membership fee shall have free admission to the Portland Zoo under the following conditions:

- A. The Portland Zoological Society shall pay to the City two children admission fees for each junior membership sold, two adult admission fees for each individual membership sold, and four adult admission fees for each family membership sold. Remittance to the City shall be made monthly by the Society as memberships are sold.
- B. Junior membership shall be limited to children ages 6 through 15, inclusive.
- C. Family membership shall be limited to parents and their minor children.

20.24.030 Group Rates.

Tickets for admission to the Zoo may be purchased in advance at group rates. The rates shall be less than the charges provided in Section 20.24.010 as follows:

Number of Tickets	Reduction
50 to 99	20 percent
100 to 249	25 percent
250 to 399	30 percent
400 or over	35 percent

Tickets purchased under this Section shall not be redeemable. The preparation of the tickets, the procedure under which they may be purchased and the time limit upon their validity shall be prescribed by the Commissioner In Charge of the Bureau of Parks.

20.24.040 Special Events.

The admission fees fixed in this Chapter are waived for special events scheduled by the Zoo operator when a catering fee or service fee is charged which becomes part of the gross annual revenues from concessions and a portion of which is subject to remittance to the City.

20.24.050 Lifetime Passes.

The Commissioner In Charge of the Portland Zoo shall have authority to grant to donors who contribute supplies, materials, and exhibits of value in excess of \$1,000, a lifetime pass.

20.24.060 Rates Under Zoo Management Agreement.

(Added by Ordinance No. 132931, effective July 1, 1971.) Notwithstanding the rates established by this Chapter, the Portland Zoological Society, while managing the Portland Zoo during the term of a zoo management agreement with the City, may establish different charges to be collected for admission to the Portland Zoo, not to exceed the rates set herein.

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Chapter 20.28

**RENTAL CHARGES FOR CIVIC
STADIUM**

Sections:

- 20.28.020 Insurance Coverage.
- 20.28.030 Restriction of Use.
- 20.28.040 Collection of Rentals.

20.28.010 Basic Rental Charges.

(Repealed by Ordinance No. 185569, effective September 28, 2012.)

20.28.020 Insurance Coverage.

Sponsors of events in Portland Civic Stadium shall maintain liability insurance against claims for damage or personal injury, including death, which may arise out of its operations in the stadium or in connection therewith. Such insurance shall afford coverage of not less than \$100,000 for personal injury to each person, \$300,000 for each accident or occurrence, and \$50,000 for property damage; such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the City, its officers, agents, and employees. Evidence of such insurance shall be furnished the Auditor of the City prior to the event and the same shall be kept in full force and effect throughout the full term of Stadium usage, subject to approval of the City Attorney as to sufficiency of coverage.

20.28.030 Restriction of Use.

- A.** Whenever, in the opinion of the Commissioner In Charge of the Civic Stadium or of the Council of the City, any applicant or permittee for the use of the Civic Stadium is likely to or does advocate to any audience in the Stadium the overthrow of the United States government or the government of any state or subdivision thereof by force, and when such Commissioner shall file a report with the City Auditor to that effect, or when the Council shall make a finding to that effect, then the application shall be rejected or the permit of such permittee for the rental of said Stadium is hereby declared to be null and void. All permits for the rental of the Civic Stadium hereafter entered into shall be subject to the provisions of this Chapter, and this Chapter shall be a part of such permit of rental. In case of the annulment of any permit as herein provided, the amount of rental paid thereunder, less any expense actually incurred thereunder by the City, shall be refunded to the permittee.

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- B.** Use of the Civic Stadium shall be deemed a privilege and not a right. Subject to the approval of the Commissioner In Charge, the Manager of the Civic Stadium may reject any application for rental of all or any portion of the Stadium whenever he finds that the particular event or performance may result in extraordinary risk of damage to the Stadium structure, furnishings, or facilities. If the Commissioner In Charge finds that such risk is of a character that special conditions may adequately protect the people of the City and the City itself from liability and loss, whether by penal bond, money deposit, special security measures at the expense of the applicant for rental, or other device, without other events and rentals, then the Commissioner In Charge may impose such special restrictions and requirements as he finds appropriate and adequate for such protection. The conditions of any such deposit or special requirements and the provisions of any such bond, shall be approved as to form by the City Attorney.

20.28.040 Collection of Rentals.

All rental charges and reimbursements for expenses chargeable to sponsors of events shall be due upon billing from the City Auditor.

Chapter 20.30

PORTLAND INDOOR TENNIS CENTER

(Chapter repealed by Ordinance No. 164427,
effective July 10, 1991.)

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Chapter 20.32

PITTOCK MANSION

Sections:

- 20.32.010 Admission Charges for Viewing Interior of Mansion.
- 20.32.030 Pittock Mansion Society.
- 20.32.040 Photography at Pittock Mansion-General Provisions.
- 20.32.050 Fees for Commercial Photography.

20.32.010 Admission Charges for Viewing Interior of Mansion.

(Amended by Ordinance Nos. 144250, 147839, 152225, 157277, 157649, 158387 and 161281, effective October 1, 1988.) Fees for admission to Pittock Mansion during its regular viewing hours shall be reviewed by Pittock Mansion Advisory Commission, approved by the Superintendent of Parks and established by rule by the Commissioner In Charge of the Bureau of Parks according to Section 20.04.050.

20.32.020 Charges for Special Uses of the Mansion.

(Repealed by Ordinance No. 158992, effective September 11, 1986.)

20.32.030 Pittock Mansion Society.

(Amended by Ordinance No. 148542, effective October 4, 1979.) Members of the Pittock Mansion Society holding a continuing, annual, or individual membership shall have free admission to the Pittock Mansion. Free Admission to such memberships shall include the member and his family. For each continuing, annual, or individual membership, the Pittock Mansion Society shall pay to the City the following amounts:

- A.** Continuing and annual memberships \$3
- B.** Individual memberships
 - 1.** Husband and wife - \$2
 - 2.** Adult - \$1
 - 3.** Student - \$.50

Remittance to the City shall be made annually by the Society as memberships are old.

20.32.040 Photography at Pittock Mansion.

(Repealed by Ordinance No. 165019, effective January 29, 1992.)

20.32.050 Fees for Commercial Photography.

(Added by Ordinance No. 135182; amended by Ordinance No. 147839, 151528 and 160657, effective April 14, 1988.)

- A.** All activity of commercial photographers shall be subject to supervision by the Pittock Mansion staff. The Director of the Pittock Mansion shall designate a staff member to supervise all interior photography. The Director may designate a staff member to supervise exterior photography where deemed necessary.
- B.** Fees for photographer location work done within Pittock Acres Park shall be proposed by the Director of Pittock Mansion and approved by the Superintendent of Parks or designated representative.
- C.** Special fees may be charged for commercial photographic work intended for national dissemination, including television productions and motion pictures, or which involves extraordinary circumstances. Such fees shall be negotiated with the Director of Pittock Mansion and approved by the Superintendent of Parks or designated representative.
- D.** Photographic use requiring major staff time, extraordinary circumstances or inordinate demand on the facilities may be referred to the Advisory Commission for their recommendation.
- E.** At the discretion of the Director of Pittock Mansion, fees may be waived for representatives or students of educational institutions, the news media, and projects of State, county or municipal governments.

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Chapter 20.36

**PORTLAND INTERNATIONAL
RACEWAY WEST DELTA PARK**

(Chapter replaced by Ordinance No. 135855;
effective January 11, 1973.)

Sections:

- 20.36.010 Authority to Issue Permits.
- 20.36.020 Conditions of Permits.
- 20.36.030 Fees.
- 20.36.040 Additional Charges.

20.36.010 Authority to Issue Permits.

(Amended by Ordinance No. 165019, effective January 29, 1992.) The Superintendent of Parks or his or her authorized representatives shall have the authority to allow motor vehicle and motorcycle racing, testing, demonstration, exhibition, or driving training at West Delta Park, hereafter referred to as PIR, and to grant exclusive use of all or part of the park roadways and other facilities in West Delta Park for such events in the park by issuing permits, or by assessing fees as described in Section 20.36.040 or for such other events and uses as the facilities can accommodate.

20.36.020 Conditions of Permits.

The permits issued under the authority granted under Section 20.36.010 hereinabove shall be conditioned by rules and regulations of the Bureau of Parks governing use of PIR, and shall include provisions designating the event which may be staged, the courses and areas to be used and the limit, if any, on the number of vehicles or persons that may participate in the permitted event. The permit shall provide that the Superintendent or his authorized representatives have authority to immediately terminate operations under the permit if permittee fails to comply with orders and regulations of the Superintendent or his authorized representatives or the conditions of the permit. The permit shall require that the permittee lock up and secure the racing facility after each event. The Superintendent or his authorized representatives may require a bond or cash deposit to insure compliance with the conditions of the permit. The permittee shall be required to indemnify and save the City, its officers, agents, and employees harmless from claims for damage to persons or property resulting from the use of PIR under the permit.

The Superintendent or his authorized representatives may, depending upon the nature of the event, require the permittee to furnish evidence of liability insurance covering his operations under the permit, which insurance shall provide coverage of not less than \$100,000 for personal injury for each person, \$300,000 for personal injury for each event,

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and \$50,000 property damage. The City, its officers, agents, and employees shall be named as additional insureds. Such evidence of insurance shall be in form satisfactory to the City Attorney.

20.36.030 Fees.

(Amended by Ordinance Nos. 141335, 145146, 148765, 150854, 152673, 156919, 159303, 161474 and 165019, effective January 29, 1992.) The Superintendent of Parks is authorized to establish, maintain and modify a schedule of fees for the events and uses the Superintendent allows under Section 20.36.010 of this Code. It shall be unlawful for any person to use the facilities described in Section 20.36.010 without first paying the fee established by the Superintendent for that use or event.

20.36.040 Additional Charges (No Permit Will Be Issued.)

(Amended by Ordinance Nos. 139567, 145146, 150854, 152673, 156919, 159303 and 161474 effective January 1, 1989.)

- A.** Testing of cars on the road course, on the days set aside by the Superintendent will be \$100 per car, per day. Testing of cars on the on the drag strip on the days set aside by the Superintendent will be \$75 per car per day. Private testing on nonscheduled test days will be \$650 per day for up to two cars and an additional charge of \$150 per car for each vehicle over two. For C.A.R.T. Indy car teams and I.M.S.A. GTP teams that require private testing, the charge will be \$1200/per day for up to two cars and \$200 per car for each vehicle over two.
- B.** Recreational riding in the motorcycle area on days set aside by the Superintendent will be \$5 per rider per day, persons under 12 years of age will be free.
- C.** For miscellaneous events, not listed above, the Superintendent will set the rental rate according to the size and description of the event and considering the facilities to be provided which shall return to the City at least minimum operational costs.
- D.** Users of the raceway or other facilities who require use of the raceway lights will be charged at the rate of \$65 per day in addition to any other charges or permit fees.
- E.** The Superintendent or his/her authorized representatives is authorized to sell advertising space within the raceway, hereby waiving Section 20.12.030 of the City Code. The rates will vary depending on the size of the sign, the location of the sign, and the length of the agreement, with charges subject to approval by the Commissioner In Charge.
- F.** A \$200 surcharge will be made to any user who violates established raceway noise regulations.

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Chapter 20.38

MULTNOMAH CENTER

(Chapter added by Ordinance No. 152710;
effective January 13, 1982.)

Sections:

- 20.38.010 Term Leases and Facilities Use Permits.
- 20.38.020 Authority to Issue Permits for Short Term Use.
- 20.38.030 Rules and Regulations.
- 20.38.040 Conditions of Permits.
- 20.38.050 Charge for Use of Facilities.
- 20.38.060 Waiver of Charges.
- 20.38.070 Policies on Use.
- 20.38.080 Priority for Users.

20.38.010 Term Leases or Facilities Use Permits.

The City Council may authorize leases or facilities use permits with non-profit organizations for rental of space in the Center for a period not to exceed 5 years.

20.38.020 Authority to Issue Permits for Short Term Use.

(Amended by Ordinance No. 153957, effective December 6, 1982.) The Superintendent of Parks or an authorized representative shall have authority to issue permits to non-profit and commercial organizations for short term use of facilities which have not been rented on a long term basis by lease or permit. The purpose of the commercial organizations must be compatible with the community services provided by the Multnomah Center. Issuance of such permits shall be in accordance with the provisions of this Chapter.

20.38.030 Rules and Regulations.

The Superintendent of Parks, subject to approval of the Commissioner In Charge, may adopt rules and regulations relating to use of the Center which shall not be inconsistent with the provisions of this Chapter. Such rules and regulations shall not conflict with the provisions of any pre-existing lease or permit.

20.38.040 Conditions of Permits.

The permits issued under the authority granted under Section 20.38.020 shall be conditioned by rules and regulations of the Bureau of Parks governing use of the Center, and shall include provisions designating the nature of the use and the areas or facilities to be used. The permit shall provide that the Superintendent or his authorized

representatives have the authority to immediately terminate the use under the permit if permittee fails to comply with the rules and regulations or the conditions of the permit. The permittee shall be required to indemnify and save the City, its officers, agents, and employees harmless from claims for damages to persons or property resulting from the use of the Center under the permit.

The Superintendent or his authorized representative may, depending on the nature of the use, require the permittee to furnish evidence of liability insurance covering the use under the permit, which insurance shall provide coverage of not less than \$100,000 for personal injury for each person, \$300,000 for personal injury for each occurrence and \$300,000 property damage for each occurrence. The City, its officers, agents, and employees shall be named as additional insureds. Such evidence of insurance shall be in form satisfactory to the City Attorney.

20.38.050 Charge for Use of Facilities.

(Amended by Ordinance Nos. 153957 and 159171, effective December 15, 1986.) Charges will be made for the use of the following Multnomah facilities by permit issued pursuant to Section 20.38.020: class rooms, conference rooms, kitchenette, gym, auditorium, and kitchen. There will be a minimum charge, a refundable cleaning deposit, a kitchen cleanup deposit, and a liquor deposit. There will be additional staff charges for use of the facility at times other than regular hours of the Multnomah Center operation. Various set-up and take-down charges will be applied if existing table and seating arrangements are altered. Specific charges and fee rules and regulations will be determined and adjusted periodically by the Superintendent of Parks or an authorized representative.

20.38.060 Waiver of Charges.

The Superintendent of Parks or his authorized representatives may waive the charges specified in Section 20.38.050 for use of multi-purpose rooms by community groups which provide information to the community relating to the community's health, education, or welfare. Such groups shall not charge members of the public to attend any such function and such function shall be open to the public. Groups eligible for fee waiver shall not be commercial, partisan, political, or religious groups and shall not use the Center to advocate for or against any candidate for public office, or for or against any measure or proposition to be voted upon by the voters.

20.38.070 Policies on Use.

(Amended by Ordinance No. 153957, effective December 6, 1982.) The proposed use must be in accordance with the provisions of the City Code and Ordinances and the rules and regulations relating to use of the Multnomah Center established pursuant to this Chapter. Events which involve political, religious, or income generating activities must be approved by the Commissioner In Charge of the Bureau of Parks.

Organizations using Multnomah Center facilities by permit issued pursuant to Section 20.38.020 shall be allowed to serve alcoholic beverages within the Center with the following restrictions:

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- A. Alcoholic beverages served by a licensed and insured caterer; or
- B. The renting organization must obtain the appropriate OLCC license and provide the Multnomah Center with a certificate of comprehensive general liability insurance for \$300,000 naming as insured the City of Portland, its officers, agents, and employees, and sign a “Hold Harmless” agreement with the City of Portland for any liability; and
- C. All supplies and materials or other property brought on the premises will be the sole responsibility of the user.

20.38.080 Priority for Users.

(Repealed by Ordinance No. 159171, effective December 15, 1986.)

Chapter 20.40

**STREET TREE AND OTHER PUBLIC
TREE REGULATIONS**

(Chapter replaced by Ordinance No. 159490,
effective March 12, 1987.)

Sections:

- 20.40.010 Purpose.
- 20.40.020 Definitions.
- 20.40.030 Urban Forestry Commission.
- 20.40.035 Technical Assistance.
- 20.40.040 Urban Forestry Master Plan.
- 20.40.045 Superintendent.
- 20.40.050 City Forester.
- 20.40.070 Planting of Trees.
- 20.40.080 Maintenance of Trees.
- 20.40.090 Removal of Trees.
- 20.40.100 Permit Requirements and Conditions.
- 20.40.105 Major Improvements.
- 20.40.110 New Land Division.
- 20.40.120 Protection.
- 20.40.130 New Streets.
- 20.40.140 Liabilities and Responsibility for Costs.
- 20.40.150 Heritage Trees.
- 20.40.160 Disposition of Wood from Trees.
- 20.40.170 Nuisances-Abatement Procedure.
- 20.40.180 Abatement by Owner, Administrative Review, Appeal to the Code Hearings Officer.
- 20.40.185 Administrative Review.
- 20.40.190 Abatement by the City.
- 20.40.195 Notice of Assessment.
- 20.40.200 Personal Liability of Owner.
- 20.40.205 Cost of Abatement; Low Income, Elderly Persons.
- 20.40.210 Criminal Penalty.
- 20.40.215 Civil Penalties.
- 20.40.220 Civil Remedies.
- 20.40.230 Institution of Legal Proceedings.
- 20.40.235 Notification to Planning and Sustainability Commission.
- 20.40.240 Severability.

**TITLE 20
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20.40.010 Purpose.

The purpose of this Chapter is the managing, conserving and enhancing the existing trees located in the parks and public areas owned by the City of Portland and in public rights-of-way, and thereby enhancing the appearance of the City and protecting an important environmental and economic resource for the benefit of the City's residents and visitors, and for the purpose of assisting property owners and public agencies to improve and maintain trees in a manner consistent with adopted City polices.

20.40.020 Definitions.

As used in this Chapter, the singular includes the plural and vice versa.

- A. Arboriculture** refers to that part of horticulture which deals with the study and care of trees and other woody plants.
- B. City** means the City of Portland.
- C. Commission** means the Urban Forestry Commission.
- D. Engineer** means the City Engineer.
- E. Forester** means the City Forester.
- F. Person** includes any individual, firm, association, corporation, agency, or organization of any kind.
- G. Plan** means the Tree Planting and Maintenance Plan for streets, parks and public areas, also known as the Urban Forestry Plan.
- H. Pruning** refers to cutting or removing any part of the branching structure of a plant in either the crown, trunk or root areas.
- I. Public area** means City-owned lands not located in the park or street right-of-way.
- J. Removal** refers to the cutting or removing of 50 percent or more of the crown, trunk or root system of a plant, resulting in the loss of aesthetic or physiological viability.
- K. Street** shall have the meaning set forth in Section 9-101 of the City Charter.
- L. Superintendent** means the Superintendent of Parks and Recreation.

- M. Tree** shall include only those trees which are located on public property or those which are assigned to the jurisdiction of the Forester by other City policies, procedures and Code provisions.
- N. Urban Forestry** has as its objective the cultivation and management of trees and related plants for their present and potential contribution to the physiological, sociological and economic well being of urban society. Inherent in this function is a comprehensive program designed to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry is one essential component of a multi-managerial system that includes watersheds within the City, wildlife habitats, outdoor recreation opportunities, landscape design, recycling of municipal vegetative wastes and tree care in general.
- O. Utility** means public utilities, businesses or organizations in the business of supplying electrical energy, gas, heat or steam, water, communications, or other services through or associated with telephone or telegraph, sewage disposal and treatment, and other operations for public service, but does not include transportation service, railroad operations, or service otherwise licensed under City Code.

20.40.030 Urban Forestry Commission.

(Amended by Ordinance No. 171655, effective November 7, 1997.)

- A.** The Urban Forestry Commission is hereby created. It shall consist of eleven members who have demonstrated an interest in the preservation of trees and the beautification of Portland, appointed by the Mayor in consultation with the Commissioner of Parks and Recreation and confirmed by the City Council. Members shall serve without compensation for terms of 4 years and may be reappointed. At least three members shall have experience and expertise in arboriculture, landscape architecture or urban forestry. One member shall be a member of the Board of Trustees of the Hoyt Arboretum. The remaining seven members, insofar as possible, shall represent diverse regions or interests of the community. Two of the three members initially appointed with experience or expertise in arboriculture or urban forestry shall initially serve a term of two years. Two of the members appointed from geographically diverse regions of the City shall initially serve a term of two years. The City Forester and the Commissioner of Parks and Recreation or the Commissioner's designee, and the City Engineer or the City Engineer's designee shall serve as ex-officio members of the Commission.
- B.** The Urban Forestry Commission shall elect its own chair and adopt such rules of procedure as it deems necessary to the conduct of its duties.

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- C. The Commission shall meet at least monthly and may meet more often.
- D. The Commission shall:
 - 1. Provide assistance in the development of the Urban Forestry Master Plan, submit the same to the City Council for approval, and review and update such plan periodically.
 - 2. Advise the Forester, Superintendent and Bureau of Parks and Recreation Budget Advisory Committee on the preparation and contents of the Annual Forestry Unit budget request.
 - 3. Review plans and policies developed pursuant to other City Code provisions which contain elements or which affect matters related to Urban Forestry and arboricultural concerns in the City and other matters brought forward by the Forester and others.
 - 4. Prepare and submit to the Commissioner of Parks and Recreation an annual report which shall contain a section or sections specifically dealing with the relations with and concerns of the various City bureaus.

20.40.035 Technical Assistance.

- A. The Forester shall assist the Forestry Commission in the discharge of its duties.
- B. When requested by the Urban Forestry Commission and Commissioner In Charge, the City may retain the services of a professional review panel of not more than three members, either foresters, arboriculturists, landscape architects or some combination thereof to advise the Commission on the efficiency of proposed actions and planting schemes. At least one member of this panel should be very familiar with Portland. The Forester shall present a list of qualified names to the Forestry Commission for its review and selection. No member of the professional review panel shall serve if he/she has a conflict of interest.

20.40.040 Urban Forestry Master Plan.

- A. The Urban Forestry Commission shall develop and establish a Comprehensive Urban Forestry Plan for the planting, maintenance and replacement of trees in parks, along streets or in other public areas. When a portion of such plan has been developed and established, it shall be submitted to the City Council for adoption prior to implementation. The Forester shall seek the advice of any bureau which will be affected by the plan.

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- B.** The Forester shall maintain a list of approved varieties of trees that may be planted on any street or in any park or public area, consistent with the provisions of the plan.
- C.** All tree planting, maintenance and removal shall comply with and conform to the Plan or such portions thereof as shall have been adopted at the time of the planting, maintenance or removal.

20.40.045 Superintendent.

The Superintendent shall have the following responsibilities relating to the Urban Forestry Commission:

- A.** Preserve and enhance the Urban Forest.
- B.** Develop and maintain the Urban Forestry Master Plan.
- C.** Carry out the other responsibilities applicable to the Urban Forestry Commission.
- D.** The Superintendent will meet with the Urban Forestry Commission upon their written request.
- E.** The Superintendent shall administer and monitor the implementation of the Master Plan.
- F.** Upon 15 calendar days' written notice from the City Engineer of impending, non-emergency road or sewer maintenance activities, the Superintendent shall implement and carry out the abatement procedures in Section 20.40.270 as necessary to provide tree branch clearances over the street as set forth in Title 17.

20.40.050 City Forester.

There shall be a City Forester position within the Bureau of Parks and Recreation. The position shall be filled by a qualified arborist. The duties of the City Forester are:

- A.** To manage the Forestry Division.
- B.** To assist the Superintendent of Parks and Recreation in responsibilities specified in 20.40.045.
- C.** To provide administrative staff services to the Urban Forestry Commission.
- D.** To develop and periodically update specifications for planting, pruning, removing and maintaining trees in accordance with proper arboricultural practices.

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- E.** To prepare and submit the annual budget request for the operation of the Forestry Division.
- F.** To provide all supervision of tree maintenance services including cutting, pruning, spraying, planting and tree removal required by or performed by the City bureaus, subject to the annual budget provided for by the City Council for such services and subject to City bureaus' contracting to have such services provided by private contractors as may be engaged by City bureaus pursuant to the City's normal contracting procedures through the City's Bureau of Purchases and Stores.
- G.** To prepare a monthly report on Urban Forestry activities for Commission review.
- H.** To carry out the other duties specified in this Chapter.

20.40.070 Planting of Trees.

(Amended by Ordinance Nos. 163739, 173534 and 176955, effective October 9, 2002.)

- A.** The Forester may plant or cause trees to be planted in the streets, parks and other property of the City. In addition to using his/her own personnel, he/she may hire independent contractors consistent with City Code provisions.
- B.** The owner of any property upon which there is new residential or commercial construction or improvements to existing development, which exceed \$25,000 in value, as determined by the Bureau of Development Services, shall be required to plant street trees, in accordance with the requirements of this Chapter. The Forester may waive any or all of the requirements of this Subsection if, in the Forester's judgment, compliance is not practicable. The Forester may impose conditions at the Forester's discretion upon such waiver, including, without limitation, requiring the planting of trees on the owner's private property.
- C.** It shall be unlawful for any person to plant or set out any tree or authorize or cause or procure any person to set out any tree in or upon any part of any street, park or public area without first obtaining from the Forester a written permit to do so and complying in all respects with the conditions set forth in such written permit and with the provisions of this Chapter. Such permit shall be receipted for in writing. All applications for such permit shall describe the work to be done and the variety, size and precise location of each tree to be planted. If the Forester has found that the proposed planting is in accord with the Plan or that trees proposed to be planted have a reasonable likelihood of prospering and such permit specifies the location, variety and grade of each tree and method of planting, including among other things the supplying of suitable soil, then he/she may grant a permit. The permit shall be valid only during the period of time stated in the permit.

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- D.** Any owner of property whose construction or improvements necessitate street tree planting under Subsection 20.40.070 B. shall obtain from the Forester a permit for such planting as provided in Subsection 20.40.070 C. The Bureau of Development Services shall have authority to enforce the requirements of this Subsection 20.40.070 B., and shall not issue any approval of final inspection until this planting required by the Forester under that Section has been accomplished. Whenever tree planting is required for any land division under Section 20.40.110, the Bureau of Development Services shall have the authority to issue and enforce, through its own permitting and enforcement processes, permits required by this Section. When issuing and enforcing such permits, the Bureau of Development Services shall require that plantings conform to the tree species and layout plan designated by the Forester at the time of, and required by, the land division.
- E.** Every person planting any tree under this Chapter shall conform to the City's Tree Standards as established by the Forester,
- F.** The Council may establish, by ordinance, inspection fees as part of the tree permit process.
- G.** All trees required by this Section must be planted prior to the issuance of a certificate of occupancy. If the applicant files security with the City, which ensures that the trees will be installed, the trees may be deferred during the summer months and planted during the dormant period, in the discretion of the Forester. Any security filed under this Subsection must comply with the regulations for performance guarantees established in Title 33.
- H.** The Forester may require any property owner subject to this Section to identify street trees on the property deed, and to note on such deed that the trees are subject to the regulations of this Chapter.
- I.** The Forester shall submit for review all tentative planting proposals in streets to the City Engineer for the purpose of protecting existing utilities and sewer branches. The City Engineer shall issue an appropriate permit for planting, barring any conflict with any known facility.

20.40.080 Maintenance of Trees.

- A.** The Forester may prune, control insects and disease and maintain or cause to be pruned, sprayed and maintained, all of the trees in the streets, parks and other public areas and those other trees on private property which the Forester determines it is in the public interest to maintain to control infestations of insects or disease or to maintain public safety.

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- B.** It is the duty of every owner of property adjacent to which or in front of which any tree is standing on any street and of every owner of property upon which any tree is standing which projects into the street to maintain and prune such tree using proper arboricultural procedures, according to the requirements for tree branch clearance over street and sidewalk areas and signs as set forth in Titles 16 and 17 of the Code of the City of Portland. The Forester shall give, with each permit printed, standards for proper arboricultural procedures.
- C.** Every property owner shall be liable to any person who is injured or otherwise suffers damage by reason of the property owner's failure to maintain or prune trees as required by Titles 16, 17 and 20 of the Code of the City of Portland. Furthermore, every property owner shall be liable to the City of Portland for all expenses, including attorney fees, incurred by the City in defense of or paid by the City in settlement or satisfaction of any claim, demand, action or suit brought by reason of that property owner's failure to satisfy the obligations imposed by Titles 16, 17, 20 and 33 of the Code of the City of Portland.
- D.** Whenever the owner or owners, lessees, occupants or persons in charge of private grounds shall neglect or refuse to prune any tree as provided in this Section, the Forester may prune or treat or cause to be pruned or treated such tree. The person remedying the condition shall be authorized to enter the premises for that purpose.
- E.** Pruning for or by a utility. Upon obtaining a written permit from the Forester, a utility maintaining its utility system in a street may prune or cause to be pruned, using proper arboricultural practices in accordance with said permit, any tree located in or overhanging the street which interferes with any light, pole, wire, cable, appliance or apparatus used in connection with or as a part of the utility system; but no tree shall be pruned without the consent of the abutting owner until the utility shall have given a written or printed notice to the owner or occupant of the premises. The owner or occupant has one month after receipt of notice to have said trees pruned by a qualified line clearance contractor, at the owner's or occupant's expense, and in accordance with the terms of the permit. If the owner or occupant fails, neglects or refuses to have such tree pruned as required by the notice and permit, the utility may prune or cause to be pruned, the tree at its expense in accordance with the conditions of the permit. The Forester, at his/her discretion, may waive the notification and single tree permit process if the utility adequately demonstrates the ability to meet the performance requirements of this Section and to apply consistently proper arboricultural practices to the pruning of trees.
- F.** Nothing in this Chapter shall be deemed to impose any liability upon any member of the City Council or the City, or any of its officers or employees nor to relieve the owner of any private property from the duty to prune trees in accordance with Titles 16, 17 and 20 of the Code of the City of Portland.

- G.** The City may accept gifts which are specifically designated for the purpose of planting or maintaining trees within said City.

20.40.090 Removal of Trees.

- A.** Diseased trees. When any tree located on a street or on private property is diseased or infested with insects or is, in the opinion of the Forester, infectious and may spread such disease or insects to other trees in the City, the Forester may summarily abate or remove or treat the tree or cause same to be removed or treated at the property owner's expense.
- B.** Regulations regarding root interference with sewers and damage to curbs and sidewalks are set forth in Title 17, Public Improvements, of the Code of the City of Portland.
- C.** The Forester may abate or remove or cause to be abated or removed any tree located in the street area or which encroaches from private property into the street area because of age, disease or other debilitating cause, death, insecure root system or any other condition which, in the opinion of the Forester, causes its continued existence to be detrimental to the public interest. The Forester may require that the removed tree be replaced with a new tree at the expense of the property owner.
- D.** It shall be unlawful for any person, without a prior written permit from the Forester, to remove, destroy, cut, break, or injure any tree, or to remove, except as provided in this Chapter, any tree that is planted or growing in or upon any street, park or public area or cause or authorize or procure any person to do so; or injure, misuse or remove any device set for the protection of any tree in or upon any street.
- E.** The approval of a tree removal by the Forester may be conditioned on replacement with a new tree of approved variety if the Forester finds the replacement necessary to maintain an ornamental tree system on the street, block or portion thereof.
If approval by the Forester is so conditioned the tree removal permit shall contain such condition. Cost of replacement is the responsibility of the property owner. If the tree is not replaced in a timely manner, the Forester may plant or cause to be planted the approved tree or trees and assess the costs to the permittee and/or the property owner responsible for maintaining the tree under Section 20.40.080 of the Code of the City of Portland.

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20.40.100 Permit Requirements and Conditions.

- A.** Any person desiring for any purpose to plant, remove, destroy, cut, prune or treat any tree in or upon any street, shall make application to the Forester on forms furnished by the City. Such application must state the number and kind of tree to be planted, removed, pruned or treated, the name of permittee and/or contractor, and the time by which the proposed work is to be done and such other information as may be required by the Forester. Any work done under such written permit must be performed in strict accordance with the terms and provisions of this Chapter. In issuing or denying a permit, the Forester shall apply all the standards as set forth in this Chapter and the objectives of the Street Tree Plan.
- B.** If the Forester refuses to issue any permit as required by this Chapter, he/she shall at once so notify the applicant, who may appeal to the Commission in writing within 10 days thereafter. The Commission shall proceed to hear and determine the appeal, calling upon the Forester to give his/her reasons. If a permit is again denied, the applicant may appeal to the City Council.
- C.** In case of emergency caused by a tree being in a hazardous and dangerous condition, such tree may be removed by permission of any member of the Police or Fire Department. In the course of performing unexpected or emergency road or sewer maintenance activities, representatives of the City Engineer and/or City Traffic Engineer may trim and/or prune a tree as required for the performance of the immediate work.

20.40.105 Major Improvements.

When the City Engineer undertakes to plan or design major capital improvements to the road system, the Urban Forestry Commission shall be consulted through the Superintendent. The purpose of these consultations shall be to ensure that the beautification policies of the Arterial Streets Classification Policy are implemented to the maximum extent feasible.

20.40.110 New Land Division.

(Amended by Ordinance No. 173534, effective July 31, 1999.) The Forester shall require the planting of street trees within the planting strips of any new land division in conformity with the Urban Forestry Master Plan. All such planting shall be done in accordance with the planting specifications governing the planting of trees in planting strips as provided by the Forester.

20.40.120 Protection.

- A.** It shall be unlawful for any person to attach or keep attached to any tree in or upon any public street, or to the guard or stake intended for the protection of such

tree, any ropes, wires, chains or other device whatsoever, except that the same may be attached to any tree as support or protection thereof.

- B.** During the erection, repair, alteration or removal of any building or structure, it shall be unlawful for any tree to be injured or for any person in charge of such erection, repair, alteration or removal to leave any tree in or upon any street in the vicinity of such building or structure without a good and sufficient guard or protector as shall prevent injury to such tree arising out of or by reason of such erection, repair, alteration or removal.

20.40.130 New Streets.

(Amended by Ordinance No. 182671, effective May 15, 2009.) Any proposed change in width in a public street right-of-way or any proposed street improvement shall, where feasible, include allowances for tree and landscape planting. Plans and specifications for planting such areas shall be integrated into the general plan of improvements and it shall be the duty of the City Engineer to coordinate the design of such improvements with the Forester and Bureau of Planning and Sustainability prior to completion of final overall plans.

20.40.140 Liabilities and Responsibility for Costs.

Nothing in this Chapter shall be deemed to impose any liability upon any member of City Council or the City or any of its officers or employees nor to relieve the owner or occupant of any private property from the duty to keep his/her private property, sidewalks, planting strip and trees in front of such private property in a safe condition so as not to be hazardous to public travel nor to relieve said property owner of the obligation to pay the cost of planting, removal and replanting of street trees in the planting strip adjacent to the property of said property owner or to relieve said property owner of liability to persons injured or otherwise damaged by reason of the property owner's failure to keep his/her private property, sidewalks, planting strips and trees fronting such private property in a safe condition so as not to be hazardous to public travel, as required by Titles 16, 17 and 20 of the Code of the City of Portland. Furthermore, every property owner shall be liable to the City of Portland for all expenses, including attorney fees, incurred by the City in defense of or paid by the City in settlement or satisfaction of any claim, demand, action or suit brought by reason of that property owner's failure to satisfy the obligations imposed by Title 16, 17, 20 and 33 of the Code of the City of Portland.

20.40.150 Heritage Trees.

(Replaced by Ordinance No. 165530; amended by Ordinance No. 166542, effective May 19, 1993.)

- A.** The Forester shall prepare or cause to be prepared as soon as possible after passage of this Section and annually thereafter, a list of trees within the City which, because of their age, size, type, historical association or horticultural value, are of special importance to the City. Upon recommendation of the Urban

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Forestry Commission, the Council may designate such a tree a “Heritage Tree”, provided that the tree’s health aerial space and open ground area for the root system have been certified as sufficient by a qualified arboriculturist. No tree standing on private property shall be designated a “Heritage Tree” without the consent of the property owner; however, the consent of a property owner shall bind all successors, heirs and assigns. Upon unanimous recommendation of the Urban Forestry Commission, the Council may remove the designation of any tree as a Heritage tree if it finds that such designation no longer is appropriate.

- B.** When a tree is designated as a Heritage Tree, a plaque so signifying may be placed near the tree. The Forester shall maintain all Heritage Trees located on City property or on public rights of way within the City. Subject to the requirements and limitations of subsections C and D of this section, it shall be the duty of every owner of property upon which a Heritage Tree is standing to maintain that tree. The Forester may give advice and assistance to property owners regarding proper maintenance of Heritage Trees. If, in the judgment of the Forester, a Heritage Tree, whether standing on public or private property, has become a hazard, the Forester shall have the authority to effect its removal, subject to the requirements of Subsection D of this Section.
- C.** It shall be unlawful for any person, without a prior written permit from the Forester, to remove, destroy, cut, prune, break, or injure any Heritage Tree, to injure, misuse or remove any device set for the protection of any Heritage Tree, or to cause or authorize or procure any person to do so. The Forester shall report to the Urban Forestry Commission all such permits issued.
- D.** No Heritage Tree shall be removed without the consent of the Urban Forestry Commission after a public hearing.

20.40.160 Disposition of Wood from Trees.

All wood removed from trees located in either public rights-of-way or public areas shall be disposed of at the discretion of the Forester who has complete authority for the disposal of said wood and debris. In the event that the wood is given to the adjoining property owner, the property owner shall sign an agreement holding the City harmless.

If the Forester determines that the cost of storage or sale of the wood is not commercially feasible, he/she may cause such surplus wood to be donated to such groups or organizations as may be designated from time to time by the Superintendent of Parks. It shall be unlawful to possess or dispose of any wood from any tree that has been cut or pruned in violation of the provisions of this Chapter. Publicly financed and privately financed street improvements under permit from the City Engineer are excluded from this Section.

20.40.170 Nuisances - Abatement Procedure.

(Amended by Ordinance No. 178215, effective February 25, 2004.)

- A. Any condition of any tree upon, abutting or fronting private property which is in violation of any of the provisions of this Chapter or any other applicable Chapter of the City Code, is hereby declared to be a nuisance. Except for those conditions which this Chapter authorized the Forester to summarily abate, whenever the Forester has knowledge that such nuisance exists, he/she shall post upon the property liable for the abatement of the nuisance a notice directing the removal of the nuisance. The notice shall be substantially in the following form:

NUISANCE ABATEMENT

Notice To Abate Nuisance

To the owner, agent of owner and occupant of the following described real property:

in the City of Portland, Oregon.

You are hereby notified to remove and abate the nuisance existing on the above-described property within 15 days of the date of this notice, or show the Bureau of Parks and Recreation of the City of Portland that no nuisance exists as provided in Section 20.40.180 of the Code of the City of Portland. The nuisance consists of:

In the case of failure to remove the nuisance within the time set forth above, the City of Portland will cause the nuisance to be abated and charge the cost of abatement, Auditor's fee, County Recorder's fee, plus any overhead costs incurred and a civil penalty in the amount of \$300 against the property described above.

The owner of the above-described property shall be personally liable for the costs of abatement, Auditor's fee, County Recorder's fee plus any overhead and civil penalties.

Before planting, removing, destroying, cutting, pruning or treating any tree in or upon any street, you must obtain a permit from the City Forester.

Date: _____

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- B.** When summary abatement is authorized, notice to the owner, agent or occupant of the property prior to abatement is not required. Following summary abatement, the Bureau of Parks and Recreation shall post upon the property liable for the abatement a notice describing the action taken to abate the nuisance.
- C.** “Summary abatement” as used in this Chapter means abatement of the nuisance by the City, or a contractor employed by the City, by removal, repair or other acts necessary to abate the nuisance and without notice to the owner, agent or occupant of the property except for the notice required by this Section.
- D.** Upon posting of the notice described in Subsections A and B of this Section, the Director or the Forester as his/her designee shall cause a copy of the notice so posted to be mailed with the postage prepaid to the owner or agent of the owner or real property, directed to his/her last known address or, if that address is unknown, to the owner or agent at the address of the property.
An error in the name of the owner or agent or the use of a name other than that of the true owner or agent of the property shall not render the notice void, but in such case, the posted notice shall be deemed sufficient.

20.40.180 Abatement by Owner, Administrative Review, Appeal to the Code Hearings Officer.

(Amended by Ordinance No. 178215, effective February 25, 2004.)

- A.** Within 15 days after the posting and mailing of a notice to remove the nuisance, the owner, agent of the owner or occupant of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing may be made by filing a written statement that no nuisance exists, with the City Forester. Upon receipt of the statement, the City Forester shall schedule the matter for administrative review as set out in 20.40.185 of this Title. Notice of the time and place of administrative review shall be given to the person filing the statement not less than 5 days prior to the time set for the review.
- B.** Any person aggrieved by the determination of the administrative review may appeal such determination to the Code Hearings Officer as set out in Chapter 22.10 of this Code.

20.40.185 Administrative Review.

(Amended by Ordinance No. 178215, effective February 25, 2004.)

- A.** Upon the request of the person filing the statement described in Section 20.40.180 of this Code, or, if a nuisance has already been abated by the City, upon referral from the Auditor, pursuant to Section 20.40.195, the Forester shall review his/her actions and decisions concerning the alleged nuisance.

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- B.** The owner, agent of the owner or occupant of the subject property shall be given the opportunity to present evidence to the Forester in the course of said review.
- C.** In those instances where the nuisance has been abated by the City, the City Forester shall have discretion to waive the cost of abating a nuisance, in whole or in part, if, in the course of its review of its decision, the Bureau finds that any of the following did not conform to the provisions of this Code:
 - 1.** The notice to remove the nuisance;
 - 2.** The work performed in abating the nuisance;
 - 3.** The computation of charges.

20.40.190 Abatement by the City.

(Amended by Ordinance No. 178215, effective February 25, 2004.)

- A.** If within the time fixed in this Chapter, the nuisance described in the notice has not been abated, or cause shown as specified in Section 20.40.180 why such nuisance should not be removed or abated, or where summary abatement is authorized, the City Forester may cause the nuisance to be removed and abated.
- B.** Except as set forth in Section 20.40.205 whenever a nuisance is abated by the City, the City Forester shall keep an accurate account of all expenses incurred, including cost of abatement, Auditor's fees, County Recorder's charges and a civil penalty of \$300 for each nuisance abated.
- C.** When the City has abated a nuisance maintained by any owner of real property, for each subsequent nuisance which is abated by the City within 2 consecutive calendar years concerning real property owned by the same person, an additional civil penalty of 50 percent (minimum of \$50) of the cost of abatement shall be added to the costs, charges and civil penalties provided for in Subsection B of this Section. The civil penalty shall be imposed without regard to whether the nuisances abated by the City involve the same real property or are of the same character.
- D.** The City Forester shall, after completing the removal and abatement, file a statement of costs with the Auditor.

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20.40.195 Notice of Assessment.

(Replaced by Ordinance No. 178215, effective February 25, 2004.)

- A. Whenever a nuisance is abated by the City, the City Forester shall keep an accurate account of all expenses incurred, including a civil penalty of \$300.00 plus overhead charges of contractor's costs and County Recorder's fees for each nuisance abated.
- B. When a property meets the conditions for costs or penalties as described in this section, the Bureau of Parks and Recreation shall file a statement of such costs or penalties with the Auditor. Upon receipt of the statement, the Auditor shall mail a notice to the property owner, stating the City's intent to assess the property in question the amount due plus charges to cover the administrative costs of the City Auditor. In the event the amount due set forth in the notice is not paid in full within 30 days of the date of the notice, the Auditor shall enter that amount or the amount of the unpaid balance, plus charges to cover the administrative costs of the City Auditor in the docket of City liens which shall thereafter constitute a lien against the property.
- C. A determination issued pursuant to Subsection 20.40.195 A. may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of the City Code. The Auditor shall not enter any amount on the lien document under Subsection 20.40.195 B. as to any charge which has been appealed to the Code Hearings Officer under this subsection, until the appeal has been decided and the period for seeking judicial review has passed, or any judicial review has become final.

20.40.200 Personal Liability of Owner.

The person who is the owner of the property at the time at which the notice required under Section 20.40.170 of this Code is posted shall be personally liable for the amount of the assessment including all interest, civil penalties and other charges.

20.40.205 Cost of Abatement; Low Income, Elderly Persons.

(Amended by Ordinance No. 168234, effective October 26, 1994.)

- A. Notwithstanding the other provisions of this Chapter, the cost of abating a nuisance shall be waived for low income, elderly persons if upon application it appears to the Superintendent that the conditions set forth in Subsection B. are met.
- B. Persons eligible for a waiver of nuisance abatement costs shall be over 62 years of age, and:
 - 1. A person living alone, whose total income for the preceding calendar year did not exceed 1-1/2 times the maximum amount a Social Security

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recipient at age 65 may have earned in that year without having any benefits withheld; or the head of a household which household received a total income for the preceding calendar year that did not exceed 2-1/4 times the maximum amount a Social Security recipient at age 65 may have earned in that year without having any benefits withheld; and

2. Must furnish proof of the age and income requirements set forth in Subsection B 1 of this Section in a manner and form acceptable to the Superintendent; and
 3. Must own, or be in the process of purchasing the property from which the nuisance is abated; and
 4. Be living on the property from which the nuisance is abated.
- C. The removal of the nuisance in question must have been required by the Superintendent and the person requesting the waiver of costs must have been officially notified by the Superintendent to remove the nuisance.
- D. Applications for waiver of nuisance abatement costs shall be filed with the Superintendent, on forms supplied by the City, within 10 days after receipt of a notice to remove nuisance or a work order notice unless the Superintendent extends that time on good cause shown. All information required to be given on such form shall be supplied and verified by the applicant. An application for waiver of nuisance assessment costs must be submitted for each removal notice sent to the applicant.
- E. The maximum amount which may be waived under this Section for any one parcel of real property or any one person shall be \$750 per calendar year.
- F. No overhead charge or civil penalty shall be imposed for any real property for which a waiver, pursuant to this Section, shall have been approved.

20.40.210 Criminal Penalty.

Any person, firm or corporation violating any provision of this Chapter shall, upon conviction, be fined a sum not exceeding \$1,000 or shall be imprisoned for a term not exceeding 6 months or shall be punished by both such fine and imprisonment.

20.40.215 Civil Penalties.

(Added by Ordinance No. 181799, effective June 6, 2008.)

- A. Any person who cuts or removes any tree that is subject to the provisions of this Chapter, or who contracts for, pays for or otherwise allows or suffers such cutting or removal, if such cutting or removal is undertaken without a permit as required

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by this Chapter or in non-compliance with any term, condition, limitation or requirement of such permit, shall be subject to a civil penalty as provided in this Section. For purposes of this Section, each tree shall constitute a separate violation, and each day that the person fails to obtain a permit or remains in non-compliance with a permit shall also constitute a separate violation. The Forester, or the Forester's designee, is authorized to initiate proceedings before the Code Hearings Officer, pursuant to the procedures in Title 22 of this Code, to enforce the provisions of this Section.

1. For each separate violation, a civil penalty of up to \$1,000 may be assessed.
2. In determining the amount of any civil penalty to be assessed, the Code Hearings Officer will consider the following:
 - a. The nature and extent of the responsible party's involvement in the violation;
 - b. The benefits, economic, financial or otherwise, accruing or likely to accrue to the violator as a result of the violation;
 - c. Whether the violation was isolated and temporary, or repeated and continuing;
 - d. The magnitude and seriousness of the violation;
 - e. The City's cost of investigation and remedying the violation;
 - f. Any other applicable facts bearing on the nature and seriousness of the violation.

20.40.220 Civil Remedies.

In addition to the remedies provided by any other provision of this Chapter, the City shall have the right to obtain, in any court of competent jurisdiction, a judgment against any person removing or causing damage to any tree in violation of this Chapter. In any such action, the measure of damages shall be the actual replacement value of the damaged or destroyed tree(s).

20.40.230 Institution of Legal Proceedings.

In addition to any other remedy provided in this Chapter, the City Attorney, acting in the name of the City, may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Chapter.

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20.40.235 Notification to Planning and Sustainability Commission.

(Added by Ordinance No. 163739; Amended by Ordinance No. 184046, effective September 10, 2010.) Prior to the adoption of any amendments to Chapter 20.40, the Forester will submit a copy of the proposed amendments to the Planning and Sustainability Commission for its review and comments.

20.40.240 Severability.

In any provision of this Chapter, or its application to any person or circumstances, is held to be invalid, the remainder of this Chapter, or the application of the provision to other persons or circumstances, shall not be affected.

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Chapter 20.42

TREE CUTTING

(Chapter replaced by Ordinance No. 170775,
effective January. 10, 1997.)

Sections:

20.42.010	Purpose.
20.42.020	Definitions.
20.42.030	Applicability.
20.42.040	Tree Cutting Without Permits Prohibited.
20.42.050	Tree Cutting on Unregulated Property.
20.42.060	Application for Permits.
20.42.070	Fees.
20.42.080	Review of Applications.
20.42.090	Criteria for Issuance of Permits.
20.42.100	Mitigation Requirement.
20.42.110	Notice of Tree Cutting Permit.
20.42.120	Appeal.
20.42.130	Evidence of Violation.
20.42.140	Criminal Penalties.
20.42.150	Civil Penalties.
20.42.160	Nuisances.
20.42.170	Institution of Legal Proceedings.
20.42.180	Remedies Cumulative.
20.42.190	Severability.

20.42.010 Purpose.

The purpose of this is to regulate the cutting of trees in order to help preserve the wooded character of the City of Portland and protect the urban forest. It is not the intent of this Chapter to regulate the cutting of trees on any single-family lot, which cannot further be divided, upon which a single-family residence already exists. Further, it is not the intent of this Chapter to require a permit for tree cutting in situations where the same activity is already regulated and reviewed by other provisions of the City Code.

20.42.020 Definitions.

A. **“Cutting”** means felling or removal of a tree, or any procedure in which the natural result will lead to the death or substantial destruction of a tree. Such acts include but are not limited to the severe cutting back of limbs to stubs larger than three inches in diameter; and damage inflicted upon the root system of the tree. **“Cutting”** does not include normal pruning within the bounds of accepted arboricultural practices.

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- B.** “**DBH**” means diameter-at-breast-height, a tree trunk diameter measured in inches 4.5 feet above the ground.
- C.** “**Development**” means all site improvements, including buildings, structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.
- D.** “**Land Use Review**” means an approval procedure for a specific use or development required under Title 33 or 34.
- E.** “**Person**” means any individual or legal entity.
- F.** “**Regulated property**” means all property where tree cutting is not otherwise regulated under Title 33 or 34, where trees have not be considered through a previous land use review, and which:
 - 1. Does not have a single-family dwelling on it; or
 - 2. Can be further subdivided pursuant to the Portland Zoning or Land Division Codes, whether there is a structure on the property or the property is vacant; or
 - 3. Is not located in a single-family residential zone pursuant to City of Portland Zoning Maps; or
 - 4. Is not solely used as a single-family residence.
- G.** “**Tree**” means any woody plant having at least a 12” DBH or any tree planted as a mitigation requirement of PCC 20.42.100. “Tree” does not include any plant on the Nuisance Plant List or the Prohibited Plant List of the Portland Plant List adopted by Ordinance 164838 and amended by Ordinance 166572 and 168154.
- H.** “**Urban Forester**” means the Urban Forestry Manager or the Manager’s designee.
- I.** “**Unregulated property**” means a lot or parcel which:
 - 1. Is located in a residential zone pursuant to the City of Portland Zoning Maps;
 - 2. Is occupied by a single-family dwelling;
 - 3. Is solely used as a single-family residence; and

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4. Cannot be further subdivided or partitioned pursuant to the Portland Zoning or Land Division Codes.

20.42.030 Applicability.

- A. These regulations are not land use regulations and are being adopted under the City's police power to regulate to protect the public health, safety and welfare.
- B. The requirements of this Chapter do not apply to tree cutting which is reviewed pursuant to any other provision of City Code with the exception of Chapter 24.70, Clearing, Grading, and Erosion Control, particularly PCC 24.70.020. On parcels subject to PCC 24.70.020, a permit is required under both that Section and under this Chapter.
- C. The requirements of this Chapter do not apply to tree cutting on any parcel for which a building or development permit has been approved through land use review.

20.42.040 Tree Cutting Without Permits Prohibited.

- A. No person shall cut a tree on regulated property without first obtaining a tree cutting permit from the City pursuant to this Chapter.
- B. No person shall cut a tree on unregulated property without a permit if a permit is required by PCC 20.42.050.
- C. In any action under this Chapter or to enforce the provisions of this Chapter, the property owner has the burden to prove that the criteria for granting a permit are satisfied or that cutting is allowed without a permit.

20.42.050 Tree Cutting on Unregulated Property.

- A. Trees may be cut on unregulated property without a permit except where the tree proposed to be cut:
 1. Has been expressly protected through an applicable land use regulation or required to be preserved as a condition of approval; or
 2. Is located within a parcel that has received a Historic Landmark Designation pursuant to PCC Chapter 33.845; or
 3. Has been designated a Heritage Tree under the provisions of Section 20.40.150 of this Code.

- B.** If a permit is required under Subsection A. of this Section, a person must seek such a permit through the process for reviewing or modifying land use regulations or approvals, Historic Landmark Designations or Heritage Tree designations, as applicable, and not through this Chapter.

20.42.060 Application for Permits.

An application for a tree cutting permit shall be made upon forms prescribed by the City. The application shall contain:

- A.** A statement of the reason for cutting or removal;
- B.** The number, size and species of the trees to be cut;
- C.** The street address and legal description of the property upon which the trees to be cut are located;
- D.** The time and method of cutting or removal;
- E.** If mitigation is required pursuant to PCC 20.42.090 information concerning the proposed planting of new trees to replace the trees to be cut;
- F.** Any other information reasonably required by the City;
- G.** The applicant's name, address and phone number;
- H.** The property owner's name, address and phone number, if different from the applicant's.

20.42.070 Fees.

The application shall be accompanied by a filing fee in the amount of \$35.00.

20.42.080 Review of Applications.

- A.** The Urban Forester shall review applications for conformance to the provisions of this chapter and either accept as complete and in conformance, return for revisions, or deny the application.
- B.** If the application is accepted as being complete and in conformance, the Urban Forester shall not issue the permit until notice has been posted according to Section 20.42.110 of this Code and all appeals have been settled in favor of the applicant.

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- C. The issuance of the Tree Cutting Permit shall constitute conformance to the provisions of these regulations and approval for the tree removal.
- D. Notwithstanding subsection A of this Section, if the tree proposed to be cut has been required to be preserved or protected as a condition of approval of a land use action pursuant to the City of Portland Zoning Code, the tree cutting application shall be processed as an amendment to that land use action and shall be reviewed and approved by the body responsible for reviewing such land use actions.

20.42.090 Criteria for Issuance of Permits.

The tree to be removed must meet one of the following criteria in order for a tree cutting application to be approved:

- A. **Dead, Dying and Dangerous Trees:** A tree cutting permit shall be issued if the Urban Forester determines that a tree is dead, dying or dangerous, except as provided by subsection 2 of this section.
 - 1. For the purposes of this section:
 - a. “Dead” means the tree is lifeless.
 - b. “Dying” means the tree is in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees.
 - c. “Dangerous” means the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.
 - 2. The Urban Forester may require the retention of dead or dying trees located in wetlands, natural areas, stream corridors, parks or open space areas, in order to provide for wildlife habitat and natural processes, unless the tree presents a potential hazard to persons or property.
- B. **Trees that are not dead, dying or dangerous:** A tree cutting permit shall be issued for a tree that is not dead, dying or dangerous if the Urban Forester determines that the following criteria are met:
 - 1. Removal of the tree will not have a significant negative impact on the following:

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- c. In the event that the City Engineer or the Urban Forester determines that an emergency exists and that the safety of the traveling public or the integrity of a public street and associated improvements may be at imminent risk from any tree on private property, the City Engineer and the Urban Forester may order or effect the removal of the tree without a permit. An emergency for the purpose of this Subsection is an unplanned or non-routine event which, by its nature, requires prompt or immediate action to reduce the risk of injury to persons using public streets, damage to public transportation facilities or loss or use of public transportation facilities. The decision that an emergency exists is not reviewable.

20.42.100 Mitigation Requirement.

- A. Mitigation is required as a condition of a permit issued under PCC Subsection 20.42.090 B., or if a tree is cut in violation of this Chapter. The mitigation plan shall be submitted at the time of application and shall provide for the following:
 - 1. Tree replacement shall be determined according to the DBH of the tree to be removed. The total DBH of the replanted trees shall equal the DBH of the tree to be removed. The DBH of the replacement trees must be the largest reasonable available by local nurseries.
 - 2. The location of the replacement trees shall meet one or more of the following at the discretion of the Urban Forester:
 - a. In the public right-of-way adjoining the property where the tree to be removed is located, in accordance with PCC 20.40.070. The Urban Forester shall consult with the City Engineer to avoid conflict with current and future utilities.
 - b. On the property where the tree to be removed is located. Site characteristics shall be taken into consideration.
 - c. If no suitable place exists on the property where the tree to be removed is located or in the adjoining right-of-way, the applicant may plant trees on another property in the neighborhood with the permission of the property owner.
 - d. If no suitable place exists on the property where the tree to be removed is located, the applicant may, in lieu of planting, pay a mitigation fee into the City's tree fund in accordance with fees set by the Urban Forester.

- B.** When the Urban Forester determines that the above mitigation requirements create an unreasonable burden to a property owner, the Urban Forester may adjust the mitigation requirements. Mitigation shall not be reduced if it is determined that an intentional violation exists.
- C.** If any replacement tree dies within three years of the planting, the property owner shall replace the tree. No replacement tree shall be cut without a permit under this Chapter.
- D.** Any person who fails to enter into a mitigation plan as required by this subsection or who fails to comply with any condition of that agreement, or with any condition of any permit issued under PCC 20.42.090 B., shall be subject to the penalties provided for violation of the Chapter.

20.42.110 Notice of Tree Cutting Permit.

- A.** An applicant for a tree cutting permit shall post notice on the property in a location clearly visible from the street nearest the tree. The notice shall state that a tree cutting permit is pending for trees on the property marked by a yellow plastic tagging tape, shall include the date of posting, and shall state that the tree cutting permits can be appealed within 14 days of the date of posting by filing a written notice of intent to appeal with the Urban Forester. The applicant shall mark each tree proposed to be cut by tying or attaching yellow plastic tagging tape around the trunk of the tree at 4.5 feet above ground level. The applicant shall file an affidavit of posting and marking once the property has been posted and the trees have been marked pursuant to this section. The tree cutting permit shall not be issued for fourteen days from the date of filing of the affidavit of marking to allow for appeal. The applicant shall maintain the posting and marking for the full fourteen days.
- B.** The Urban Forester will send a copy of the affidavit of posting and marking to the office of the affected Neighborhood Coalition.

20.42.120 Appeal.

- A.** Any person may appeal a decision to approve a tree cutting permit by filing a written notice of intent to appeal, along with the applicable appeal fee established by the City Council, within fourteen days of the filing of the affidavit of posting pursuant to PCC 20.42.070. Failure to file within the fourteen-day appeal period shall preclude appeal. If no appeal of a decision to approve a tree cutting permit is filed within the fourteen-day appeal period, the decision is final and the applicant may cut trees in accordance with the approval, subject to any conditions thereof.

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- B.** An applicant for a tree cutting permit may appeal denial of the permit by filing a written notice of intent to appeal, along with a filing fee in the amount of \$100.00, within fourteen days of the date of denial.
- C.** The appeal shall be heard by the Urban Forestry Commission (UFC), who shall hold a public hearing on the appeal. The City shall send written notice of the hearing to the applicant, the appellant if different from the applicant, and to the recognized Neighborhood Coalition for the area in which the subject property is located, at least ten days in advance of the hearing. Appeal hearings may be scheduled as part of the UFC's regular meeting agenda, or at any special meeting called by the UFC for that purpose. Appeals may be heard either by the full Commission or by a subcommittee delegated by the full Commission. Appeals shall be heard not later than the first regular monthly meeting of the UFC after the expiration of the ten days required for notice to the Neighborhood Coalition, and in no event later than sixty days after the filing of the notice of intent to appeal, except that the applicant may request a hearing at a later time.

20.42.130 Evidence of Violation.

- A.** If a tree is removed without a tree cutting permit, a violation shall be determined by measuring the stump. A stump that is 38" or more in circumference shall be considered prima facie evidence of a violation of this chapter.
- B.** Removal of the stump of a tree cut without a tree cutting permit prior to the determination provided in subsection A of this section is a violation of this chapter.
- C.** Proof of violation of this chapter shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation was committed. Prosecution of or failure to prosecute the owner shall not be deemed to relieve any other responsible person.
- D.** As soon as a violation is determined, the Urban Forester shall notify the property owner in writing regarding the mitigation requirements of Section 20.42.100 of this code. Within thirty (30) days of the date of mailing of this notice, the property owner shall submit a tree cutting application in accordance with Section 20.42.060 and enter into a mitigation plan approved by the Urban Forester. The application fee will be \$70.00.

20.42.140 Criminal Penalties.

Any person violating any provision of this Chapter shall, upon conviction, be fined a sum not exceeding \$1,000.00 or shall be imprisoned for a term not exceeding 6 months, or shall be punished by both such fine and imprisonment.

20.42.150 Civil Penalties.

Any person who cuts any tree in violation of this chapter, or who breaches any condition of a permit granted under this chapter, or who violates any other provision of this chapter shall be subject to a civil penalty of \$1,000 for any such violation. The unlawful cutting of each individual tree shall be a separate violation hereunder. Failure to comply with a condition of approval or of a mitigation plan shall be a separate violation each day the failure to comply continues.

20.42.160 Nuisances.

Cutting a tree in violation of this chapter is hereby declared to be a public nuisance, and may be abated by appropriate proceedings.

20.42.170 Institution of Legal Proceedings.

Upon request of the Urban Forester, or direction from Council, the City Attorney, acting in the name of the City, may institute and maintain an action in any court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this Chapter.

20.42.180 Remedies Cumulative.

The rights, remedies and penalties provided in this chapter are cumulative, are not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provision of law.

20.42.190 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is held to be invalid, the remainder of this Chapter, or the application of the provision to other persons or circumstances, shall not be affected.

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Chapter 20.44

**NONRESIDENT PARTICIPATION
FEES**

(Chapter repealed by Ordinance No. 158454,
effective May 1, 1986.)

Chapter 20.48

ST. JOHNS RACQUET CENTER

(Chapter repealed by Ordinance No. 164427,
effective July 10, 1991.)

Chapter 20.50

**COLUMBIA SOUTH SHORE
SLOUGH TRAIL**

(Chapter added by Ordinance No. 166785,
effective July 21, 1993.)

20.50.010 Prohibited Activities.

It shall be unlawful to ride a bicycle or to have domestic animals leashed or unleashed on the Columbia South Shore Slough Trail. The trail area is defined by Title 33, Map 515-2. This provision does not apply to police officers who may have the need for the use of horses or bicycles during their official performance of duties.

Chapter 30.01

**AFFORDABLE
HOUSING PRESERVATION**

(Title added by Ordinance No. 172844,
effective November 4, 1998)

Sections:

- 30.01.010 Policy.
- 30.01.020 Intent.
- 30.01.030 Definitions.
- 30.01.040 Title 30.01 Responsibilities.
- 30.01.050 Federal Preservation Projects - City Notice and Preservation Opportunities.
- 30.01.060 Federal Preservation Projects - Tenant Provisions.
- 30.01.070 Federal Preservation Projects - Civil Fines.
- 30.01.080 Local Preservation Projects - Tenant and City Notice Provisions.
- 30.01.090 City Subsidy Properties - Long-Term Affordability Requirements.
- 30.01.095 Partial and Full Exemptions of System Development Charges for Affordable Housing Developments.
- 30.01.100 Compliance and Enforcement.
- 30.01.110 No Restriction of Powers of Eminent Domain; Severability.

30.01.010 Policy.

It is the policy of the City of Portland that publicly assisted rental housing affordable to low and moderate income persons and households should be preserved as a long-term resource to the maximum extent practicable, and that tenants of such properties should receive protections to facilitate securing new housing should the affordable units be converted to market rate units or otherwise be lost as a resource for low and moderate income housing.

30.01.020 Intent.

The intent of this Title is to protect the availability of publicly assisted affordable housing for low and moderate income households by: providing for notice to the City and tenants when transitions from current assistance programs and/or affordable housing uses are planned; providing purchase opportunities for the City to attempt to preserve the affordable housing while respecting ownership interests of building owners; providing tenant relocation assistance when the affordable housing is converted; and, ensuring long term affordability in future projects that the City assists with public financing designed to create or preserve affordable housing.

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AFFORDABLE HOUSING

30.01.030 Definitions

(Amended by Ordinance No. 186028, effective May 15, 2013.)

- A. **“Affordable housing.”** The term “affordable housing”, “affordable rental housing” or “housing affordable to rental households” means that the rent is structured so that the targeted tenant population pays no more than 30 percent of their gross household income for rent and utilities. The targeted tenant populations referred to in this section include households up to 80 percent of area median family income.
- B. **“PHB.”** The City of Portland’s Portland Housing Bureau.
- C. **“City Subsidy.”** Locally controlled public funds administered by the Portland Development Commission, the Portland Housing Bureau, or other City bureau or agency, allocated for the purpose of creating or preserving affordable rental housing to households below 80 percent of median family income. City subsidies may be provided to developers through direct financial assistance such as low interest or deferred loans, grants, equity gap investments, credit enhancements or loan guarantees, or other mechanisms.
- D. **“City Subsidy Projects.”** Privately owned properties of five or more units which receive a City subsidy after the effective date of Title 30.01 through programs designed to create or preserve rental housing affordable at or below 80 percent of area median family income.
- E. **“Commercial Market Compatible Offer.”** A fair market value purchase offer made by the City or its designee which is consistent with the terms and conditions which would be made by a buyer on the open market such that a seller negotiating with the City on such terms would not experience any significant disadvantage as compared to a market rate transaction with a private party.
- F. **“Fair Market Value.”** The amount of money in cash that real property would bring in the open market if it were offered for sale by one who desired, but was not obligated to sell, and was bought by one willing but not obliged to buy. It is the actual value of the property on the date when a City offer pursuant to Title 30.01.050 is made. As may be further refined by PHB through its Administrative Procedures developed in reference to the Uniform Standards of Professional Appraisal Practice, the Oregon Uniform Trial Instructions, and relevant case law, fair market value is based on the best and highest use of the property, which may be greater than the use being made of the property by the current owner. However, fair market value does not include speculative value, or possible value based on future expenditures and improvements, or potential

changes in applicable zoning regulations or laws, which are not reasonably probable. Fair market value includes assessment of environmental, structural or mechanical information derived from inspections or other due diligence activities.

- G. “Federal Preservation Projects.”** Properties having project-based rental assistance contracts for some or all of the units (such as Section 8 and Project Rental Assistance Contracts) including those developed under a variety of HUD mortgage assistance and interest rate reduction programs. Federal preservation projects include properties with loans, contracts, or insurance under the following federal subsidy programs: section 221(d)(4) with project-based Section 8; Section 202; Section 236(J)(1); Section 221(D)(3) BMIR; Section 221(D)(3) MIR; Section 811; Project based Section 8 contracts administered through HUD, Oregon Housing and Community Services, or the Housing Authority of Portland; Project Rental Assistance Contracts (PRAC); LIHPRHA capital grant program; and Section 241(f) preservation grant. An updated list of all known Federal Preservation Projects will be maintained and available upon request to the public.
- H. “HUD.”** The United States Department of Housing and Urban Development
- I. “Involuntary Displacement.”** Tenants of Federal Preservation Projects are considered to be involuntarily displaced if:
1. They are served a notice to vacate the property for reasons other than just cause as defined herein; or
 2. They are not offered a one year lease under their tenant based voucher by the property owner; or
 3. They are offered a one year lease under their tenant based voucher, but are required to pay as rent and utilities an amount greater than the tenant contribution to rent (and utilities) in effect under the project-based Section 8 contract, and they then choose to move from the property rather than enter into a lease under the voucher. This form of displacement is referred to as “economic displacement.”
- J. “Just Cause Eviction.”** Evictions for serious or repeated violations of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State or local law, or other good cause (ORS 90.400).
- K. “Local Preservation Projects.”** Properties with 10 or more rental units which received financial assistance (from the programs listed below), to create or preserve housing serving households below 80 percent of median family income since January 1, 1988 and through the effective date of Title 30.01, which have affordability restrictions that are still in force as of the effective date of Title

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30.01. Financial assistance programs include subsidies from the City of Portland through the Portland Development Commission (Rental Housing Development Loan Program, Investor Rehabilitation Loan Program, Rental Rehabilitation Loan Program, or Downtown Housing Preservation Program), and/or from the State of Oregon Housing and Community Services Department (Housing Development Grant Program, Oregon Affordable Housing Tax Credit Program, and the former Oregon Lenders Tax Credit Program, Risk Sharing Bond program, Elderly and Disabled Bond Program), and/or which have received bond financing issued by the Housing Authority of Portland or the Portland Development Commission. An updated list of all known Local Preservation Projects will be maintained and available upon request to the public.

- L.** “**Low Income.**” Low income individuals, households or tenants are those with a gross household income below 50 percent of the area median family income.
- M.** “**MFI.**” Median family income for the Portland Metropolitan Statistical Area as defined by HUD as adjusted for inflation and published periodically.
- N.** “**Moderate Income.**” Moderate income individuals, households or tenants are those with a gross household income below 80 percent of the area median family income.
- O.** “**Opt Out.**” An owner’s non-renewal of an available project-based Section 8 contract in a Federal Preservation Project. Owners may consider “opting out” when they contemplate conversion to open market rental housing, other housing or commercial uses, or a sale of the property.
- P.** “**PDC.**” Portland Development Commission
- Q.** “**Preservation Process.**” The requirements contained in 30.01.050 - 30.01.070 for Federal Preservation Projects and in 30.01.080 for Local Preservation Projects respectively.
- R.** “**Qualifying Household.**” A household legally residing in a federal preservation project with a gross household income at or below 50 percent of median family income.

30.01.040 Title 30.01 Responsibilities

(Amended by Ordinance No. 186028, effective May 15, 2013.) The Portland Housing Bureau will have primary responsibility for implementation of Title 30.01. This responsibility will include the development and administration of operating procedures, and taking any and all City actions referenced herein as may be necessary for implementation of the requirements of this Title. The Portland Development Commission will work with the Portland Housing Bureau to implement property

acquisition responsibilities described in this Title. The Portland Development Commission is also expected to develop strategies to implement the 60-year affordability requirements in 30.01.090.

30.01.050 Federal Preservation Projects - City Notice and Preservation Opportunities
(Replaced by Ordinance No. 174180; amended by Ordinance No. 186028, effective May 15, 2013.)

- A.** Owners of Federal Preservation Projects must provide the City and each building tenant with a one year's notice of a pending HUD Section 8 contract expiration. In order to facilitate the owner's knowledge of the City's interest in notification, PHB shall provide written confirmation of the City's interest in the property to each Section 8 property within the City of which PHB is aware.
- B.** Owners of Federal Preservation Projects who have decided to "opt out" must provide to the City a notice of 210 days of intent to do so if the owner is opting out of a long-term contract, and 150 days if the owner is opting out of a one-year extension to a long-term contract. The notice shall specify:
 - 1.** whether the owner intends to withdraw the property from the Section 8 program;
 - 2.** whether the owner intends to convert the participating property to a nonparticipating use; and
 - 3.** whether the owner is involved in negotiations with HUD or the Housing and Community Services Department regarding an extension of an expiring contract.
- C.** Owners of Federal Preservation Projects who have decided to "opt out" must consent to reasonable inspection of the property and inspection of the owner reports on file with HUD or the State of Oregon Housing and Community Services Department. These inspections are designed to facilitate the City's ability to assess the fair market value of the property and evaluate status of the tenants, viability of transfer and/or continuation of a Section 8 agreement with HUD and other pertinent information.
- D.** To the extent allowed by HUD, owners of Federal Preservation Projects must maintain an available HUD Section 8 contract in good standing during the notice periods identified in this chapter as well as any condemnation proceeding commenced under ORS Chapter 35.
- E.** Owners of Federal Preservation Projects must refrain from taking any action, other than notifying HUD of the owner's intention to not renew the contract, that

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would preclude the City or its designee from succeeding to the contract or negotiating with the owner for purchase of the property during the notice periods identified in this Chapter as well as any condemnation proceeding commenced under ORS Chapter 35.

- F.** In addition to any other times, during the notice periods identified in this Chapter, the City may pursue preservation of the Project through negotiation for purchase or through condemnation under ORS Chapter 35.

30.01.060 Federal Preservation Projects - Tenant Provisions

(Replaced by Ordinance No. 174180; amended by Ordinance No. 186028, effective May 15, 2013.)

- A.** Owners of Federal Preservation Projects who have decided to “opt out” must provide to each affected building tenant a notice of 210 days of intent to do so if the owner is opting out of a long-term contract, and 150 days if the owner is opting out of a one-year extension to a long-term contract. The notice shall specify:
 - 1.** whether the owner intends to withdraw the property from the Section 8 program;
 - 2.** whether the owner intends to convert the participating property to a nonparticipating use; and
 - 3.** whether the owner is involved in negotiations with HUD or the State of Oregon Housing and Community Services Department regarding an extension of an expiring contract
- B.** Owners of Federal Preservation Projects who have decided to “opt out” may not disturb any tenancy other than for cause defined in the contract, for a period of 180 days after expiration of the contract, if the City has paid or arranged to pay to the owner on the first day of each month, the monthly subsidy that the owner was receiving under the contract.
- C.** PHB shall identify and make available adequate financial resources for tenant relocation assistance for all tenants who experience involuntary displacement from Federal Preservation Properties. PHB shall request voluntary contributions to a tenant relocation fund. from owners of Federal Preservation Projects who have decided to “opt out.”

30.01.070 Federal Preservation Projects - Civil Fines

(Replaced by Ordinance No.174180; amended by Ordinance No. 186028, effective May 15, 2013.)

- A. An owner who fails to comply with any of the requirements specified in PCC 30.01.050 A.-E., tenant notice requirements in 30.01.060 A., or PHB procedures implementing those specified provisions of this Chapter, shall pay a civil fine. The fine shall be calculated in relation to the costs and damages caused by the owner's failure to comply, up to full replacement costs of each project-based Section 8 housing unit lost. Such civil fines shall be payable into a housing replacement fund to be established and managed by the City. If the civil fine is not received within the timeframes specified in the Administrative Procedures developed by PHB, the City may commence enforcement proceedings.
- B. Any civil fines received shall be used only for creating replacement housing serving households at or below 50 percent MFI.

30.01.080 Local Preservation Projects - Tenant and City Notice Provisions.

(Amended by Ordinance No. 186028, effective May 15, 2013.)

- A. When the owner of a Local Preservation Project takes action which will make the affordable housing no longer affordable, whether the affordability requirements which were established under prior agreement with the City, PDC or State have expired or are still in effect, the owner must provide a notice of 90 days to the City. The notice shall meet standards developed by PHB. During the 90-day notification period, the owner may not sell or contract to sell the property, but may engage in discussions with other interested parties. Within this period, the City or its designee may make an offer to purchase or attempt to coordinate a purchase by an owner committed to maintaining affordability.
- B. Owners of Local Preservation Projects who have decided to take action described in 30.01.080 A., must provide a notice of 90 days to tenants. This shall be in addition to the City notice to be provided to the City under 30.01.080 A. During this notice period the Owner may not initiate a no-cause eviction. The notice must meet standards developed by PHB.

30.01.090 City Subsidy Properties - Long-Term Affordability Requirements.

(Amended by Ordinance No. 186028, effective May 15, 2013.)

- A. Properties that in the future request and receive a City subsidy from PDC, PHB or other City bureau or agency for the purpose of creating or preserving rental housing affordable to households below 80 percent of median family income, will be subject to a minimum of 60 year affordability contract requirements developed by PHB consistent with the implementing charge in 30.01.090 B.

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- B.** All City Bureaus and agencies administering affordable rental housing subsidy programs will be responsible for implementing this section. As the primary agency charged by the City to negotiate and confer affordable housing subsidies, PHB will develop implementing strategies consistent with the 60 year affordability principles contained in this section, the Administrative Procedures Implementing Title 30.01 and the approved 1998/99 Consolidated Plan, Principle III (Ordinance No. 172259).

30.01.095 Partial and Full Exemptions of System Development Charges for Affordable Housing Developments.

(Added by Ordinance No. 183448, effective July 1, 2010.)

- A.** The purpose of this section is to reduce the costs of developing permanent affordable housing by waiving system development charges for qualified affordable housing developments. This section advances a Council-recognized public policy goal to provide for a diversity of housing types to meet the needs of the citizens of the City.
- B.** The City will exempt qualified affordable housing developments from paying all or part of system development charges required by this Code. The Applicant must apply for exemptions under this Section prior to the date the City issues the permit on the new development. The City may reject applications received after the date of the first occupancy permit. Where new development consists of only part of one or more of the uses described in this section, only that portion of the development that qualifies under this Section is eligible for an exemption. The balance of the new development that does not qualify for any exemption under this Section is subject to system development charges to the full extent authorized by Code or general ordinance. The Applicant has the burden to prove entitlement to exemptions so requested.
- C.** To obtain the exemption, the applicant must present to the City, at the time of Application, documentation from Portland Development Commission that the development qualifies for the exemption pursuant to this Chapter. Applicant must also pay an administration fee per unit on rental and/or owner-occupied units as determined by the Portland Housing Bureau.
- D.** The City shall calculate exemptions in the manner authorized for calculating system development charges rented and owner-occupied residential properties. Non-residential properties or the non-residential portion of mixed-use developments are not eligible for exemptions provided by this Section.
- E.** The City shall require the recording of real property covenants in the deed records for properties receiving exemptions under this Section in order to ensure

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compliance, or to provide remedies for failure to restrict units, or both. Deed restrictions may be used by the Portland Development Commission in order to restrict sale prices and rents charged for exempt units, or to provide remedies for failure to restrict units, or both.

F. Applicants shall meet the following affordable housing qualifications to be exempt from paying all or a portion of system development charges:

1.

a. For purposes of this Section, "affordable" for rental housing means that the rent and expenses associated with occupancy such as utilities or fees, does not exceed 30 percent of the gross household income at the level of the rent restrictions.

b. "Affordable" for ownership units means affordable to households earning at or below 100 percent of area median income and shall be sold to persons or households whose incomes are at or below 100 percent of area median family income for a family of four as determined annually for the Portland Metropolitan Area by the U.S. Department of Housing and Urban Development as adjusted upward for a household of more than four persons.

2. Rental Units: The units receiving an exemption shall be affordable to households earning 60 percent or less of area median family income at time of occupancy and shall be leased, rented or made available on a continuous basis to persons or households whose incomes are 60 percent or less of area median family income, as adjusted by household size and as determined by the U.S. Department of Housing and Urban Development for the Portland Metropolitan Area. Such units shall remain affordable for a period of 60 years.

3. Owner-Occupied Units.

a. The units receiving an exemption shall be affordable to households earning at or below 100 percent of area median income and shall be sold to persons or households whose incomes are at or below 100 percent of area median family income for a family of four as determined annually for the Portland Metropolitan Area by the U.S. Department of Housing and Urban Development adjusted upward for a household larger than four persons; and

b. The units fall within the price limit as provided by Section 3.102.090 D.

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4. Pursuant to Section 30.01.040, the Portland Housing Bureau and Portland Development Commission are responsible for enforcing property covenants and other agreements with applicants that are conditions of receiving exemptions provided by this Section.
 - a. In addition to specific covenants and agreements required by the City as a condition of approval of an exemption application, qualified rental developments must adhere to the 60-year affordability requirements for rental housing developments, including qualifying requirements related to rents and occupancy.
 - b. In addition to specific covenants and agreements required by the City as a condition of approval of an exemption application, a qualifying ownership project must comply with applicable recapture or retention covenants.
 - c. In the event that an applicant violates the covenants, agreements or other requirements that were established by the City as a condition of approval of an exemption application, the City shall terminate the exemption and make due and payable all previously exempt portions of system development charges at rates in effect on the date of the submittal of a complete exemption application, plus accrued interest calculated based on the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140, and a processing fee of \$250.
 - d. For rental properties, if the exemption terminates within five years of initial building permit issuance, additional charges will be due and owing. These charges include a processing fee of \$250, and accrued interest from the date of the issuance of the building permit to the date of the termination of the exemption. The reinstated system development charges shall be determined based on rates in effect on the date of the submittal of a complete building permit application. Accrued interest shall be calculated based on the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140. The City may collect reinstated system development charges, processing fees, carrying charges and the actual costs of collections by recording a property lien pursuant to Title 22.

TITLE 30
AFFORDABLE HOUSING

- e. For owner occupied units, if the units is not sold to a qualifying household, additional charges will be due and owing prior to change of ownership. These charges include a processing fee of \$250, and accrued interest from the date of the issuance of the building permit to the date of the termination of the exemption. The reinstated system development charges shall be determined based on rates in effect on the date of the submittal of a complete building permit application. Accrued interest shall be calculated based on the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140. The City may collect reinstated system development charges, processing fees, carrying charges and the actual costs of collections by recording a property lien pursuant to Title 22.

30.01.100 Compliance and Enforcement.

(Amended by Ordinance No. 186028, effective May 15, 2013.)

- A. PHB shall develop and implement procedures to enforce the provisions of this code. Such procedures should include, where feasible, record notice of the applicability of this code to affected properties, filing a lien to enforce the provisions of this code, and developing civil penalties or other enforcement provisions necessary or appropriate to enforce this code.
- B. The City Attorney's Office may enforce the provisions of this code on behalf of the City in any court of competent jurisdiction or City administrative body.

30.01.110 No Restriction of Powers of Eminent Domain; Severability

- A. This Chapter shall not be construed to restrict the City's existing authority to exercise powers of eminent domain through condemnation as outlined in state law.
- B. If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

TITLE 32
SIGNS AND RELATED REGULATIONS

INTRODUCTION

How to Use this Document

Chapter 32.10 LEGAL FRAMEWORK AND RELATIONSHIPS

- 32.10.010 Short Title.
- 32.10.020 Purpose.
- 32.10.030 Where These Regulations Apply.
- 32.10.040 Hierarchy of Regulations.
- 32.10.050 Relationship to Approved Land Use Reviews.
- 32.10.060 Legislative Amendments to the Code.
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Chapter 32.12 AUTHORITY AND SCOPE

- 32.12.010 Authority.
- 32.12.020 Exemptions.
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MEASUREMENTS AND TERMS

Chapter 32.20 APPLYING THE CODE LANGUAGE

- 32.20.010 General Rules For Reading and Applying the Code Language.
- 32.20.020 Terms.
- 32.20.030 Applying the Code to Specific Situations.

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- 32.22.010 General.
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- 32.24.010 Sign Face Area.
- 32.24.020 Height of Signs.
- 32.24.030 Clearances.
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LAND USE REGULATIONS

Chapter 32.30 GENERAL

- 32.30.010 Purpose.
- 32.30.020 Official Zoning Maps.
- 32.30.030 Uses, Use Categories, and Structure Types.

Chapter 32.32 BASE ZONE REGULATIONS

- 32.32.010 Standards in the Residential Zones and Open Space Zone.
- 32.32.020 Standards in the Commercial, Employment, and Industrial Zones.
- 32.32.030 Additional Standards in All Zones.

Chapter 32.34 ADDITIONAL REGULATIONS FOR SPECIFIC USES, OVERLAY ZONES, AND PLAN DISTRICTS

- 32.34.010 Additional Standards for Specific Uses.
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Chapter 32.36 NONCONFORMING SIGNS

- 32.36.010 Purpose.
- 32.36.020 Regulations That Apply to All Nonconforming Signs.
- 32.36.030 Documenting a Nonconforming Sign.

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- 32.38.010 General.
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- 32.40.010 General.

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32.50.010	Purpose.

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32.52.020	Pre-Approved Designs.
32.52.030	Clearances.
32.52.040	Awnings and Signs on Awnings.
32.52.050	Electrical Requirements.
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ADMINISTRATION

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32.62.010	Permit or Registration Required.
32.62.020	Application Requirements.
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Chapter 32.64	INSPECTION
32.64.010	General.
32.64.020	Inspections.
32.64.030	Refusal of Entry.

Chapter 32.66	ENFORCEMENT
32.66.010	Violations.
32.66.020	Civil Penalties and Fees.
32.66.030	Citations.
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Chapter 32.68	FEES
32.68.010	General.
32.68.020	Sign Permit Fees.
32.68.030	Fee refunds.

HOW TO USE THIS DOCUMENT

Organization of Title 32

General layout. The sign code is organized as a reference document. It is not intended to be read from cover to cover. Instead, it is organized so you may look up only the parts you need. The list of chapters in the table of contents is, therefore, very important, as are the section listings at the beginning of each chapter. A later portion of this introduction explains how to use the code for commonly asked questions. There are many other ways to use this code, depending on your objectives.

Land Use vs. Structural and Permitting Regulations

This code contains both land use and structural regulations relating to signs. In general, land use processes cannot be applied to structural regulations and structural processes cannot be applied to land use regulations:

- **“Land use” regulations** implement the livability and design-related goals of Portland’s Comprehensive Plan. Adoption or amendment of land use regulations must follow a special legislative specified by state law. In addition, discretionary decisions made under these regulations must go through special quasi-judicial review processes. Chapters 32.30 through 32.38 of this code contain land use regulations. Chapters 32.10 through 32.24 contain additional information, including definitions, that is needed to apply the land use regulations. In most cases land use reviews are found in Title 33, Planning and Zoning.
- **Structural regulations** provide standards to safeguard life, health, property and public welfare. Adoption, amendment, and interpretation of structural regulations must go through a process that is different than that required of land use regulations. Chapters 32.40 through 32.54 contain structural regulations. In most cases, structural review processes are found in Title 24, Building Regulations and Title 26, Electrical Regulations.
- **Permitting and enforcement regulations** describe the administrative procedures that will be used to review sign proposals against the objective land use and structural standards of the code. Chapters 32.60 through 32.68 contain information about sign permitting and enforcement.

References to other Codes

This code is to be used in conjunction with other City Titles, especially Title 33, Planning and Zoning; Title 24, Building Regulations; and Title 26, Electrical Regulations. The Sign Code contains references to regulations, definitions, and review processes in these and other titles that also apply to signs.

10s - Introduction. Chapters 32.10 and 32.12 contain information about the purpose of this code, what is regulated by this code, what is prohibited under the code, what is exempt from regulation, and who has the authority to administer the code.

20s – Measurements and Terms. Chapters 32.20, 32.22, and 32.24 describe methods of measurement for signs and lists definitions and terminology needed to understand the regulatory portion of the code.

30s - Land Use Regulations. Chapters 32.30 through 32.38 contain land use regulations affecting the size, placement, location, and materials of signs by zone, land use, and special district.

40s - Structural Regulations. Chapters 32.40 through 32.44 contain structural and safety-related standards for all signs.

50s - Special Regulations. Chapters 32.50 through 32.54 contain regulations for development features that are not signs, but that are related to the sign regulations. These include awnings and strobe lights.

60s - Administration. Chapters 32.60 through 32.68 contain permitting and enforcement procedures, including application requirements and fees.

Determining the Sign Regulations for a Specific Site

Answering the questions below will help you figure out what regulations apply to your sign.

Is the sign regulated by Title 32? Is the sign prohibited?

Look at Chapter 32.12 to determine whether the sign code applies to the location and type of sign to be installed, and whether the sign type would be prohibited.

What land use standards will apply to the sign?

- ◆ **Step 1:** Look at the Official Zoning Maps to determine the zone, overlay zone, and any plan districts that cover the site where the sign will be installed. Look at the street classification maps of the Transportation Element of the Comprehensive Plan to determine whether the site is within a pedestrian district, and to determine the classifications of streets adjacent to the site.
- ◆ **Step 2:** Determine the use of the site. If the use has not already been determined as part of a land use review, refer to the descriptions of use categories in Chapter 33.920 of the Zoning Code. In the Open Space and Residential zones, as well as in certain plan districts, sign standards are tied to the land use of the site. In addition, some uses must meet special sign standards regardless of the location of the site.

- ◆ **Step 3:** Look at Chapter 32.32 to determine whether the sign is allowed in the zone and what standards will apply based on the type of sign and the base zone of the site.
- ◆ **Step 4:** Check Chapter 32.34 to determine whether there are any special standards that will apply to the sign based on the use or development of the site, or because the site is covered by an overlay zone or plan district.

What construction standards must be meet?

Look at Chapters 32.42 through 32.44 to determine what construction standards must be met. In many cases, construction standards are included through reference to the State Building Code.

Will I need a permit or registration with the Office of Planning and Development Review?

Check Chapter 32.62 to determine whether you will need to apply for a permit or register the sign you are proposing.

Will I need to go through any special reviews before I can receive a permit for my sign?

- ◆ Chapters 32.30 through 32.38 indicate whether design review or historic design review will be required. In addition, you may request an adjustment to one or more of the land use standards.
- ◆ Chapters 32.40 through 32.44 indicate whether special structural or electrical review will be required. In addition, you may apply for an alternative methods review in order to install a sign that will differ from one or more of the construction standards.

Format of Title 32

Outline. The format of Title 32 follows the layout of all revised Titles in the City Code. The chapter and section numbers use an expandable decimal numbering system adopted by the City in 1969. Major divisions within the Title are called chapters. Major divisions within chapters are called sections. The format of the divisions in the Title are shown below.

<p>32.XX NAME OF CHAPTER</p>
<p>32.XX.XXX Section</p>
<p>A. Subsection</p>
<p style="padding-left: 20px;">1. Paragraph</p>
<p style="padding-left: 40px;">a. Subparagraph</p>
<p style="padding-left: 60px;">(1) Subsubparagraph</p>

Referencing. Within Title 32, references are made as follows:

Outside of the same section. When a reference is to text outside of the same section, the reference number starts with the Title number (i.e. 32), and continues to the appropriate level for the reference. For example, 32.30.010 A. refers to Subsection A. of Section 010, of Chapter 30, of Title 32. The names "Title" and "Chapter" are used if the reference is to an entire Title or Chapter.

Within the same section. When a reference is to text within the same section, the name of the division level is used (i.e. Subsection, Paragraph, Subparagraph, etc.), and the reference "number" starts with the appropriate subsection letter. For example, "See Paragraph D.2., below" refers to Paragraph 2., of Subsection D., of the same section.

Terms

The code has been written in a "plain English" style and the meaning is intended to be clear as read. However, because it is also a legal document and because of the need for terms with specific meanings, the code also provides guidance on how specific terms are used. Chapters 32.20, Applying the Code Language and 32.22, Definitions, define words and phrases that have a specific meaning in this code.

TITLE 32
SIGNS AND RELATED REGULATIONS

- C.** Relationship to Titles 24 and 26. Title 32 contains objective construction standards that apply to signs, sign structures, and awnings. Title 24, Building Regulations, adopts the Oregon Structural Specialty Code and Title 26, Electrical Regulations, adopts the Oregon Electrical Specialty Code, respectively, by reference. In situations where an electrical standard is used in both Titles 32 and 26, standards specific to signs and awnings contained in Title 32 supersede those in Title 26. In situations where other construction standards are used in both Titles 32 and 24, standards specific to signs, sign structures, and awnings contained in Title 32 supersede those in Title 24.
- D.** Relationship to Title 33. Title 32 contains the objective land use standards and definitions that apply to signs and awnings. Signs being constructed as part of a larger development project may be subject to additional standards and discretionary reviews in Title 33. Where a discretionary land use review is required, the review procedures and criteria are contained in Title 33, Planning and Zoning, except as follows:
1. Sign adjustments. Approval criteria for sign adjustments are in Title 32.
 2. Nonconforming signs. Approval criteria for the Determination of Nonconforming Sign Status Review are in Title 32.
- E.** Relationship to other City, Regional, State and Federal regulations.
1. Compliance required. In addition to the requirements of the Sign Code, signs must comply with all other applicable City, regional, state, and federal regulations. Compliance with Title 32 does not in any way imply, either directly or indirectly, compliance with any other law. Where the provisions of this Title conflict with those set forth in other regulations under the City Code or ordinance, the more restrictive will control.
 2. References to other regulations. References in the sign code to other City, regional, state, or federal regulations do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations.
 3. Current versions and citations. All references to other City, regional, state, or federal regulations in the sign code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, sign code requirements for compliance are no longer in effect.

**TITLE 32
SIGNS AND RELATED REGULATIONS**

32.10.050 Relationship to Approved Land Use Reviews.

(Amended by Ordinance No. 185915, effective May 1, 2013.) The sign-related provisions of any approved land use review that applies to the site supersede the standards of this code. Examples of land use reviews include Master Plans, Impact Mitigation Plans, Conditional Uses, Adjustments, Design and Historic Resource Reviews.

32.10.060 Amendments to this Code.

- A.** General. Amendments to regulations of this Title must be enacted through the procedures required under Title 1, Administration except as described under Subsection B, below.
- B.** Exception for land use regulations. Amendments to provisions contained in Chapters 32.10 through 32.38 must follow the procedure required under state law as described in Chapter 33.835, Goal, Policy, and Regulation Amendments.

32.10.070 Severability.

If any word, sentence, section, chapter or any other provision or portion of this Title or rules adopted hereunder is invalidated by any court of competent jurisdiction, the remaining words, sentences, sections, chapters, provisions, or portions will not be affected and will continue in full force and effect.

Chapter 32.12

AUTHORITY AND SCOPE

Sections:

- 32.12.010 Authority.
- 32.12.020 Exemptions.
- 32.12.030 Prohibitions.

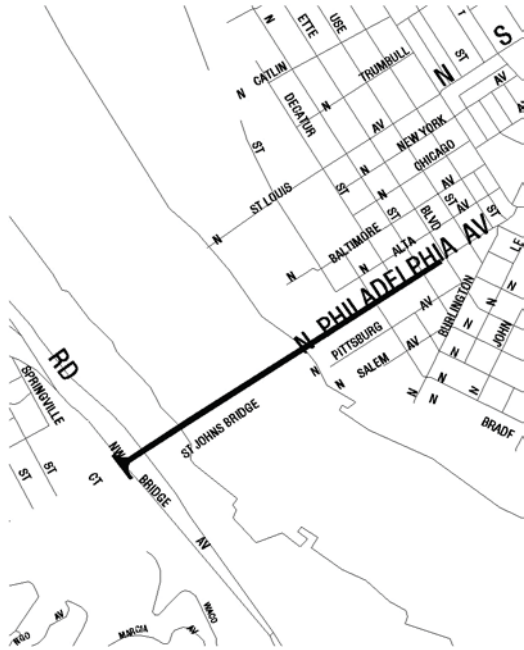
32.12.010 Authority.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A.** Responsibility. This Title will be administered and enforced by the Director of the Bureau of Development Services (BDS).

Figure 11e

Willamette River Bridges and Approach Ramps



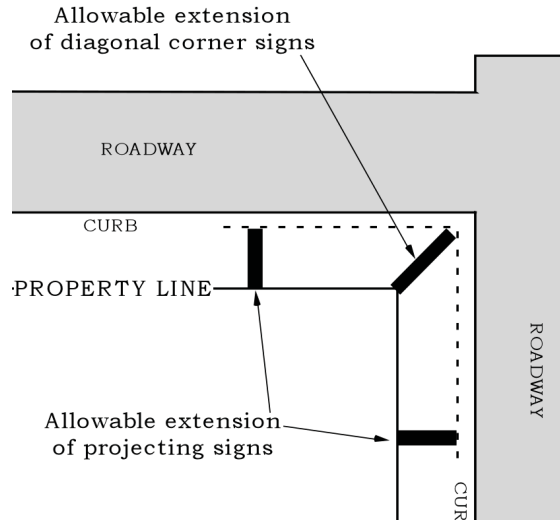
TITLE 32
SIGNS AND RELATED REGULATIONS

32.32.030 Additional Standards in All Zones.

(Amended by Ordinance Nos. 176469 and 185915, effective May 1, 2013.)

- A.** Where these regulations apply. These regulations apply to all signs regulated by this title.
- B.** Sign placement. All signs and sign structures must be erected and attached totally within the site except when allowed to extend into the right-of-way by this Title.
- C.** Signs extending into the right-of-way. The standards of this subsection apply to permanent signs that are erected on private property and that extend into the right-of-way and portable signs that are in the right-of-way.
 - 1.** Projecting signs. Projecting signs that extend into the right-of-way must meet the following standards:
 - a.** Distance into the right-of-way.
 - (1)** Where allowed, signs may extend into the right-of-way 6 ½ feet or 2/3 of the distance to the roadway, whichever is less. However, in no case may signs extend within 2 feet of the roadway.
 - (2)** Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for projecting signs on each street frontage. See Figure 12.
 - b.** Maximum sign face area in the right-of-way. No more than 30 square feet of a projecting sign face may extend into a right-of-way.
 - c.** Blanketing. A projecting sign that extends into the right-of-way more than 3 feet may not be within 20 feet of another projecting or freestanding sign that extends more than 3 feet into the right-of-way if the new sign is within horizontal lines drawn from the top and bottom of the prior sign.
 - 2.** Awnings and marquees. Awnings and marquees that contain signs may extend into the right-of-way the same distance as awnings and marquees that do not contain signs. See Chapter 32.52, Awnings.

Figure 12
Diagonal Corner Signs



3. Portable signs. Portable signs may be placed in the right-of-way if they meet the following standards:
 - a. The sign is entirely outside the roadway;
 - b. The sign is no larger than 8 square feet in size. The sign face is no wider than 2 ½ feet and no taller than 4 feet;
 - c. The sign is entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. See Figure 13a;
 - d. The sign is entirely outside the area of a sidewalk that is between the lines created by extending the edges of any curb ramp across the sidewalk to the property line;
 - e. The sign is within six inches of the curb. See Figure 13b;
 - f. The sign does not obstruct a continuous through pedestrian zone of at least six feet in width. See Figure 13b; and
 - g. The sign does not obstruct pedestrian and wheelchair access from the sidewalk to any of the following:
 - (1) transit stop areas;

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- (2) designated disabled parking spaces;
 - (3) disabled access ramps; or
 - (4) building exits including fire escapes.
 - h.** Physical attachment to public property. Portable signs placed in the right-of-way must remain portable and may not be attached or anchored in any way to trees or to public property including utility or light poles, parking meters, the ground or pavement.
 - i.** Additional placement standards for temporary portable signs. Temporary portable signs placed in the right-of-way must meet the following additional standards:
 - (1) Where no curb exists, the sign must be placed outside the roadway at least five feet from the edge of the roadway. Temporary portable signs may not be placed in medians, traffic islands, or other areas within the roadway.
 - (2) Temporary portable signs must not be placed in parking spaces, pedestrian pathways, or bicycle paths.
 - (3) Where the sidewalk is less than 8 feet in width, temporary portable signs may not be placed on the sidewalk.
- 4.** Removal of signs. The City Engineer may require signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions. The modification or moving will be at the owner's expense. If a nonconforming sign is moved under this requirement, it may be re-erected on the site without being brought into conformance.

Figure 13a
Placement of Portable Signs in the R-O-W

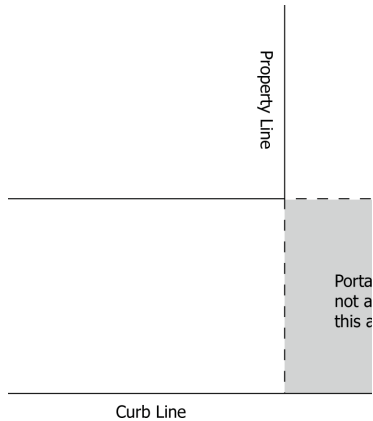
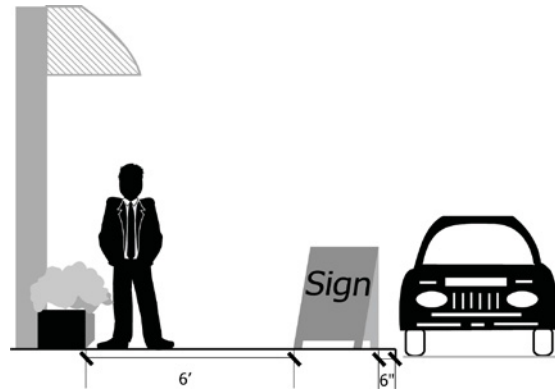


Figure 13b
Placement of Portable Signs in the R-O-W



D. Changing image sign features.

1. **Size.** Where allowed under this Title, changing image sign features are limited to a total combined area of 20 square feet per site. No single sign may have more than 10 square feet of changing image sign features unless those features cover less than 60 percent of the face of the sign. Each area of changing image feature on each sign face is included in the total for the site. Section 32.24.010 B, Backed Signs, may not be applied to changing image sign features.
2. **Brightness.** Changing image sign features are subject to the glare standards of Chapter 33.262, Off-site impacts.
3. **Signs subject to the standards of the CN zone.** If the sign is subject to the standards of the CN zone, changing image sign features are allowed if the sign meets the standards of a. and b., below. All other changing image sign features are prohibited.
 - a. **Location.** The sign must be in, or adjacent to and facing, a sports field.
 - b. **Duration.** The changing image sign features may be turned on no sooner than one hour before scheduled events and must be turned off no later than one hour after scheduled events.

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4. Modifications or adjustments to the size standard. Modifications through design review or historic resource review or adjustments to this regulation are prohibited, except as stated in paragraphs 4.b. through 4.d., below:
 - a. Purpose. The character, scale and special communication needs of bright lights districts, sports fields and Major Event Entertainment uses may support the use of changing image sign features that are larger than 20 square feet. The scale, multiple use and special communication needs of sites with major event entertainment uses may support the use of changing image sign features that are substantially larger than 20 square feet.
 - b. Broadway “bright lights” district. In the Broadway “bright lights” Unique Sign District of the Downtown Design District, a modification through design review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.
 - c. Major Event Entertainment. If the sign is on a site that contains a Major Event Entertainment use, an adjustment or a modification through design review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.
 - d. Sports field. If the sign is in, or adjacent to and facing, a sports field, an adjustment or a modification through design review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.

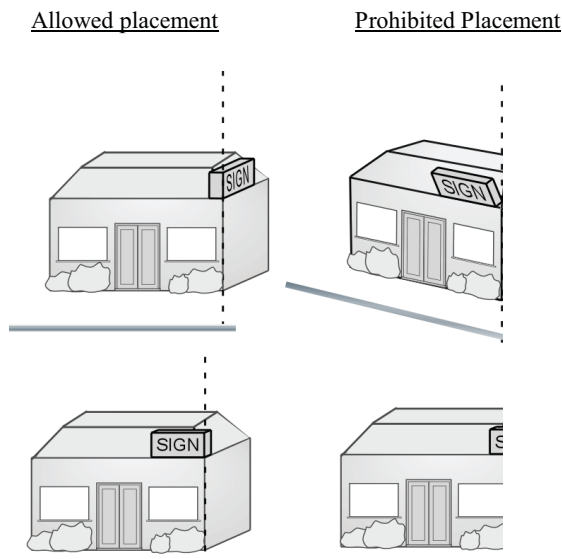
E. Signs attached to buildings or structures.

1. Placement. Signs attached to buildings or structures that are based on the sign rights of a primary building wall may be placed on that primary building wall, on a secondary building wall or on another structure. They may not be placed on another primary building wall.
2. Awnings and marquees. Signs attached to an awning or marquee that extends into the right-of-way must comply with the pedestrian clearance and right-of-way extension standards of Chapter 32.52. Awnings.
3. Fascia signs.

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- a. Vertical extensions. Fascia signs may not extend more than 6 inches above the top of the building wall. Fascia signs attached to other structures may not extend above the top of the structure.
 - b. Horizontal extensions. A fascia sign may not extend more than 18 inches out from the wall or structure to which it is attached. Fascia signs may not extend beyond the corner of buildings or other structures.
4. Pitched roof signs.
- a. Vertical extensions. The face of pitched roof signs may not extend more than 6 inches above the roofline.
 - b. Placement and angle. Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall. See Figure 14.
 - c. Support structures. Support structures must be designed so that there is no visible support structure above the sign.

Figure 14
Pitched roof sign placement



5. Projecting signs

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G. Portable signs.

1. General standards. Portable signs that meet the standards of this subsection are allowed in the RX, C, E and I zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.
2. Number.
 - a. General. One portable sign is allowed per public entrance to buildings.
 - b. Commercial parking. One portable sign is allowed for each vehicle entrance to a commercial parking facility, but in no case more than four portable signs for the facility.
 - c. Tenant spaces without public entrances. Where a ground floor tenant space or portable cart does not have any public entrance and only provides customer service through a window, one portable sign is allowed for each ground floor tenant space or portable cart.
3. Size. Portable signs may be up to 12 square feet in area. Only one side of a portable sign will be counted. The vertical dimension of the sign including support structure may be no greater than 42 inches. Portable signs extending into the right of way must comply with the size standards of Subsection 32.32.030 C, Signs extending into the right-of-way.
4. Features. Electrical signs and changing image sign features are prohibited.
5. Placement. Portable signs must be entirely on private property or they must meet the placement standards of Subsection 32.32.030 B, Signs extending into the right-of-way.
6. Portable signs that do not meet the standards of this subsection. Portable signs that do not meet the standards of this subsection must meet the standards for freestanding signs or for temporary signs.

H. Directional signs.

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1. General standards. Directional signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.
 2. Size. Freestanding directional signs may be up to 6 square feet in area and 42 inches in height. Fascia directional signs may be up to 6 square feet in area and 8 feet in height.
 3. Sign features. Direct or indirect lighting is allowed. Changing image sign features and extensions into the right-of-way are prohibited.
 4. Directional signs that do not meet the standards of this subsection. Directional signs that do not meet the standards of this subsection must meet either the standards for signs attached to buildings or the standards for freestanding signs.
- I.** Permanent banners.
1. General. Banners used as permanent signs are allowed in all zones and will be included in the total square footage of permanent signage allowed on the site. Temporary banners are regulated under Subsection K., below.
 2. Standards. Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.
- J.** Lawn signs.
1. General standards. Lawn signs that meet the standards of this subsection are allowed in all zones and are not counted in the total square footage of permanent signage allowed on the site. Adjustments or modifications to the standards of this subsection are prohibited.
 2. Size. Lawn signs may be up to 3 square feet in area.
 3. Placement. Lawn signs must be entirely outside the right-of-way.
 4. Sign features. Illumination, electric signs, and changing image sign features are prohibited.

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5. Lawn signs that do not meet the standards of this subsection. Lawn signs that do not meet the standards of this subsection must meet the standards for freestanding signs.

K. Temporary signs.

1. Relationship to permanent sign standards. Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on the site. Signs that do not meet the standards of this subsection are subject to the standards for permanent signs. Adjustments or modifications to this subsection are prohibited.
2. Sign features. Temporary signs may not have direct or internal illumination. Changing image sign features and electronic elements are prohibited.
3. Temporary banners. Temporary banners are subject to the following regulations:
 - a. Banners on lots with houses, duplexes, and attached houses. In all zones, temporary banners are not allowed on sites with houses, duplexes, and attached houses.
 - b. OS, R, CN, CO1, and CM zones. In OS, R, CN, CO2, and CM zones, up to three banners no larger than 32 square feet in size are allowed per site. Only one of these banners may be hung on each building wall or on each separate structure. Additional banners, or banners larger than 32 square feet in size, must meet the standards for permanent signs.
 - c. CS and CX zones. In the CS and CX zones, up to three banners no larger than 32 square feet in size are allowed per site. Only one of these banners may be hung on each building wall or on each separate structure. Additional banners, or banners larger than 32 square feet in size, must meet the following standards:
 - (1) In no case may a site have more than four temporary banners.
 - (2) Up to one temporary banner larger than 32 square feet in size is allowed per site. This banner may be no larger than 50 square feet in size.

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6. Temporary freestanding signs. One temporary freestanding sign is allowed per site in the RX, C, E, and I zones. However, larger sites may install one temporary freestanding sign per 300 feet of arterial street frontage. Temporary freestanding signs may be up to 32 square feet in area. Temporary freestanding signs may have an additional face up to 32 square feet in size if the angle between the sign faces is less than 90 degrees. Extensions into the right-of-way are prohibited. A temporary freestanding sign may be up for two continuous periods of up to 180 days per year. A temporary freestanding sign may be installed for an additional 360 days if it meets the registration requirements of 32.62.010.

7. Temporary portable signs.
 - a. Temporary portable signs are allowed in all zones.

 - b. Size. Temporary portable signs may be up to 4 square feet in area. Only one side of a temporary portable sign will be counted. The vertical dimension of the sign including support structure may be no greater than 24 inches.

 - c. Placement. Temporary portable signs must be entirely on private property or they must meet the placement standards of Subsection 32.32.030 C., Signs extending into the right-of-way.

 - d. Hours of use. Temporary portable signs are allowed only between the hours of six (6) p.m. Friday and eight (8) p.m. Sunday, and the hours of six (6) a.m. and one (1) p.m. on Tuesdays.

Chapter 32.34

**ADDITIONAL REGULATIONS FOR SPECIFIC USES,
OVERLAY ZONES, AND PLAN DISTRICTS**

Sections:

- | | |
|-----------|---|
| 32.34.010 | Additional Standards for Specific Uses. |
| 32.34.020 | Additional Standards in the Overlay Zones. |
| 32.34.030 | Additional Standards in the Plan Districts. |

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32.34.010 Additional Standards for Specific Uses.

- A.** Bed and Breakfast facilities. Sites with Bed and Breakfast facilities must meet the sign regulations for Household Living.
- B.** Short Term Housing. Sites with Short Term Housing or Mass Shelters must meet the sign regulations for Household Living.
- C.** Temporary Activities. Permanent signs associated with Temporary Activities are prohibited. All signs associated with a Temporary Activity must be removed when the activity ends.

32.34.020 Additional Standards in Overlay Zones.

(Amended by Ordinance Nos. 176469, 178172, 179092 and 185915, effective May 1, 2013.) Overlay zones are shown on the Official Zoning Maps.

- A.** Buffer Overlay Zone
 - 1.** Where this regulation applies. The regulation of this subsection applies to signs within the Buffer Overlay Zone.
 - 2.** Regulation. Signs are prohibited in the Buffer Overlay Zone.
- B.** Design Overlay Zone
 - 1.** Where these regulations apply. The regulations of this subsection apply to exterior signs in excess of 32 square feet within the Design Overlay Zone, and all signs within the South Auditorium plan district. However, signs are not required to go through design review if they meet one of the following standards:
 - a.** The sign is a portable sign, lawn sign, directional sign or temporary sign; or
 - b.** The sign is a part of development exempt from design review under Section 33.420.045, Exempt from Design Review.
 - 2.** Awnings. Awnings within the Design Overlay Zone are subject to Chapter 33.420. Awnings must also meet the requirements of Chapter 32.52 of this Title.
 - 3.** Regulations.

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- a.** Generally. Signs must either meet the Community Design Standard in Subparagraph B.2.c., below or go through Design Review, as described in this paragraph. The Community Design Standards provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Subparagraph B.2.c., below. If the proposal meets the Community Design Standards, no design review is required. Proposals that are not eligible to use the Community Design Standards, that do not meet the Community Design Standards, or where the applicant prefers more flexibility, must go through the design review process.
- b.** When Community Design Standards may be used. See Chapter 33.420, Design Overlay Zone.
- c.** Community Design Standard for signs. In the C, E, and I zones, signs must meet the sign regulations of the CM zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

C. Historic Resource Overlay Zone

- 1.** Where these regulations apply. The regulations of this subsection apply to signs on sites with the historic resource overlay zone. However, signs are not required to go through historic resource review if they meet one of the following standards:

 - a.** The sign is a portable sign, lawn sign, or temporary sign; or
 - b.** The sign is exempt from historic resource review under Sections 33.445.140, Alterations to a Historic Landmark; 33.445.230, Alterations to a Conservation Landmark; 33.445.320, Development and Alterations in a Historic District; or 33.445.420, Development and Alterations in a Conservation District.
- 2.** Regulations.

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- a.** Generally. Signs must either meet the Community Design Standards in Subparagraph C.2.c., below, or go through historic resource review, as described in this paragraph. The Community Design Standards provide an alternative process to historic resource review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary historic resource review process set out in Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of Subparagraph C.2.c. If the proposal meets the Community Design Standards, no historic resource review is required. Proposals that are not eligible to use the Community Design Standards, that do not meet the Community Design Standards, or where the applicant prefers more flexibility, must go through the historic resource review process.
 - b.** When Community Design Standards may be used. See Chapter 33.445, Historic Resource Overlay Zone.
 - c.** Community Design Standard for signs. In the C, E, and I zones, signs must meet the sign regulations of the CM zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.
- D.** Scenic Resource Overlay Zone

 - 1.** Where these regulations apply. The regulations of this subsection apply to signs within Scenic Resource Overlay Zone.
 - 2.** Regulations.

 - a.** View corridors. The standards of this subparagraph apply to signs within areas designated as view corridors in the Scenic Resources Protection Plan. All signs within the designated view corridors are subject to the height limits of the base zone, except when a more restrictive height limit is established for the view corridor by the Scenic Resources Protection Plan.
 - b.** Scenic corridors. The standards of this subparagraph apply to signs within areas designated as scenic corridors in the Scenic Resources Protection Plan. The standards of this subparagraph

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apply within the street setback adjacent to the identified resource or within the first 20 feet from the resource if no setback exists. The maximum height of a freestanding sign is 15 feet. The maximum size of a freestanding sign is 100 square feet. Changing image signs are prohibited. When they are more restrictive, the sign standards of the base zone supersede the regulations of this subparagraph.

32.34.030 Additional Standards in Plan Districts.

(Amended by Ordinance Nos. 176469, 179092 and 182072, effective August 22, 2008.)
Plan districts are shown on the Official Zoning Maps.

A. Albina Community plan district.

1. Where this regulation applies. The regulation of this subsection applies to signs in the Albina Community plan district.
2. Sign standard. Signs for commercial uses in the RH zone are subject to the sign regulations for the CX zone.

B. Central City plan district

1. Purpose. Signs in the Open Space zone are limited in keeping with the low intensity of most uses in the zone. However, the more intense uses allowed in Central City plan district Open Space zones necessitate more visible signage. These regulations are tailored to those uses.
2. Sign standards. The following regulations apply to sites in the Open Space zone.
 - a. The sign regulations of the CX zone apply to sites with allowed Major Event Entertainment and Commercial Outdoor Recreation uses.
 - b. The sign regulations of the CN zones apply to sites with allowed Retail Sales and Service uses.

C. Columbia South Shore plan district

1. Purpose. Signs in this plan district should not dominate the landscape or compete with views of streetscapes, view corridors and natural resources. Sign standards are intended to allow for signs to be visible to streets that abut the site, but not to interstate freeways and locations outside the

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district. Businesses are encouraged to rely on monument signs to identify and communicate their presence.

2. Where these regulations apply. The regulations of this subsection apply to signs in the Columbia South Shore plan district.

3. Sign standards.

a. Signs must conform to the sign standards of the CX zone as modified by the requirements of this subsection. When they are more restrictive, the regulations of the base zone supersede the regulations of this subsection. Adjustments to this subsection are allowed only for the sign height on sites more than 10 feet below the level of the surface of the adjacent roadway. All other sign adjustments are prohibited.

b. The following signs are prohibited:

(1) Freestanding signs, except monument signs, temporary freestanding signs, and directional signs;

(2) Changing image signs; and

(3) Awning signs with illumination internal to the awning.

c. Monument signs. One monument sign is allowed per street frontage. Monument signs are allowed to a maximum height of 6 feet above the adjacent sidewalk and a maximum of 10 feet in length. The end width of the monument structure may not exceed 2 1/2 feet. Signage may be located on two parallel monument faces.

d. Signs along Marine Drive. Signs are prohibited within 200 feet of the toe of the levee slope, except for directional signs. Between 200 and 500 feet from toe of the levee slope, signs that face Marine Drive are limited to 1/2 square foot of sign face area per lineal foot of building wall, with a maximum sign area of 100 square feet.

D. Hillsdale plan district.

1. Where this regulation applies. The regulation of this subsection applies to signs in the Hillsdale plan district.

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2. Sign standard. Portable signs are prohibited in the right-of-way in the Hillsdale Plan District.

E. Macadam plan district

1. Where these regulations apply. The regulations of this subsection apply to signs in the Macadam plan district.
2. Standards.
 - a. Freestanding signs are limited to 1/2 square foot of sign face area per lineal foot of arterial street frontage. Signs attached to buildings, marquees, or other structures are limited to 1/2 square foot of sign face area per lineal foot of primary building wall. Maximum sign face area is 100 square feet.
 - b. The maximum height of a freestanding sign is 15 feet.
 - c. Changing image sign features are prohibited.

F. Portland International Raceway plan district

1. Where these regulations apply. The regulations of this subsection apply to signs in the Portland International Raceway (PIR) plan district.
2. Standard. Signs must conform to the sign program of an approved PIR Master Plan. See Chapter 33.564, Portland International Raceway Plan District.

G. South Auditorium plan district

1. Where these regulations apply. The regulations of this subsection apply to the South Auditorium plan district.
2. Standards.
 - a. Design review. Unless exempted under Subparagraphs G.2.f. and g., below, all exterior signs, regardless of size, are subject to design review. See Chapter 33.420, Design Overlay Zone.
 - b. Projecting signs. Projecting signs are prohibited.

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- c.** Signs for Retail Sales And Service uses. All signs on sites with Retail Sales And Service uses must be fascia signs. The total square footage of signs per retail tenant space must not exceed 1 square foot of sign for each lineal foot of primary building wall of tenant space.
 - d.** Signs for residential-only developments. Sites developed with only residential uses are limited to one fascia sign not exceeding 10 square feet in total area.
 - e.** Signs for other uses and developments. The maximum total sign area allowed per frontage for uses or developments not listed in Subparagraphs G.2.c. and d., above is 1 square foot for each 3 lineal feet of primary building wall. Only signs attached to buildings are allowed, except in a commercial zone where up to two freestanding signs per arterial street frontage are allowed. One sign is not allowed to exceed 12 feet in height and 100 square feet in area, and the other sign is not allowed to exceed 5 feet in height and 10 square feet in area. The regulations of the base zone supersede the regulations of this subparagraph when they are more restrictive.
 - f.** Temporary signs, portable signs, and lawn signs. Temporary signs, portable signs, and lawn signs are exempt from the sign regulations of Subparagraph G.2.a. through e., above. Temporary signs and portable signs are limited to a total combined area of 25 square feet per site.
 - g.** Directional signs. Directional signs are exempt from the sign regulations of Subparagraph G.2.c. through e., above.
- H.** Cascade Station plan district.
- 1.** Where this regulation applies. The regulation of this subsection applies to signs in Subdistrict A of the Cascade Station plan district.
 - 2.** Sign standard. When a Cascade Station Sign Program has been approved, signs are exempt from the provisions of Chapter 32.30 through 32.38 of this Code. Until such time as a Sign Program is approved, signs will be subject to the provisions of Chapters 32.30 through 32.38.

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- I.** Hollywood plan district.
1. Where this regulation applies. This regulation applies to signs associated with new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3 in Chapter 33.536, Hollywood Plan District. Alterations or exterior improvements to existing development are exempt from this regulation.
 2. Freestanding signs are prohibited.
- J.** North Interstate plan district.
1. Purpose. Encouraging retention of the mid-century signs identified in this subsection will represent Interstate Avenue Corridor's rich past as US Route 99, which was the West Coast's major north-south highway before Interstate 5 was built. Because their current locations may preclude desired development, allowing them to move to other locations along the corridor is necessary to ensure preservation.
 2. Where these regulations apply. The regulations of this subsection apply only to signs in the North Interstate plan district listed in Paragraph J.4.
 3. Relocation allowed. The special signs listed in Paragraph J.4, below, may be relocated as follows:
 - a. The sign may be moved to another location on the site where it is currently located, or to another location that meets the requirements of this subsection;
 - b. The receiving site must have frontage on North Interstate Avenue between N. Argyle St. and N. Fremont St.;
 - c. The receiving site must be zoned either EX, CX, CS, or IR;
 - d. Signs removed from their sites may be stored elsewhere before relocation;
 - e. Relocated signs are subject to discretionary Design Review. Design review will consider the location of the sign on the site, the visual relationship of the sign structure to other development on the site, and the visual relationship to North Interstate Avenue; in a content-neutral manner as provided in Section 32.38.010;

Chapter 32.36

NONCONFORMING SIGNS

Sections:

- 32.36.010 Purpose.
- 32.36.020 Regulations That Apply to All Nonconforming Signs.
- 32.36.030 Documenting a Nonconforming Sign.

32.36.010 Purpose.

The intent of these regulations is to protect the character of an area by reducing the negative impacts from nonconforming signs. At the same time, the regulations assure that the signs may continue and that the sign regulations will not cause unnecessary burdens. The intent of these regulations is not to force all signs to be immediately brought into conformance with current regulations; instead, the intent is to gradually bring existing signs into conformance.

32.36.020 Regulations That Apply to All Nonconforming Signs.

(Amended by Ordinance No. 176469, effective July 1, 2002.)

- A.** Nonconforming permanent signs may continue to exist if they comply with the regulations of this chapter. Nonconforming signs that do not meet the regulations of this chapter have no legal right to continue and must be removed.
- B.** Signs established during a moratorium.
 - 1.** Generally. Signs established in violation of a moratorium must be brought into compliance with the standards of this Title, except as provided in Paragraph B.2, below.
 - 2.** Exception. Painted Wall Signs established during a moratorium, where permits were applied for before the effective date of the moratorium, are considered legal, nonconforming signs, and may remain. The effective date of the moratorium on Painted Wall Signs in the Central City plan district was December 16, 1997. The effective date of the moratorium on

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Painted Wall Signs outside the Central City plan district was August 12, 1998.

- C.** Sign maintenance, sign repair, and changing of permanent sign faces is allowed so long as structural alterations are not made and the sign is not increased in size.
- D.** Permanent signs and sign structures that are moved, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public right of way improvements may be re-established. See paragraph 32.32.030 C.4, Removal of signs.
- E.** Nonconforming temporary signs must be removed.
- F.** Ownership. The status of a nonconforming sign is not affected by changes in ownership.
- G.** Change to a conforming sign. A nonconforming sign may be altered to become or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established. Unless prohibited, proposed changes that are not in conformance are subject to the adjustment process.
- H.** Loss of nonconforming sign status.

 - 1.** Discontinuance. If a there is no sign in place on a sign structure or building wall for 6 continuous months, the nonconforming rights are lost and a nonconforming sign may not be re-established. If the sign structure is unused for less than 6 continuous months, a nonconforming sign may be re-established.
 - 2.** Destruction. When a sign or sign structure is removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards. However:

 - a.** Repair and maintenance. A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair. In order to preserve the nonconforming sign status, the person removing the sign must inform the Director, in writing, before the sign is removed. If the responsible party fails to inform the Director, any re-erected sign will be considered a new sign.

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- b. Unintentional destruction. When a sign or sign structure that has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the sign and sign structure may be rebuilt to the same size and height using the same materials. An adjustment is required to allow the replacement sign to be more out of compliance with the standards than the previous sign.

32.36.030 Documenting a Nonconforming Sign.

To document legal nonconforming status, the applicant must provide evidence to show that the sign was established prior to November 18, 1998 or allowed when established, and that the sign has been maintained over time. If the applicant provides standard evidence from the lists below, the Director will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed below, a Determination of Nonconforming Sign Status Review is required, as specified in Section 32.38.040.

- A. Sign established before November 18, 1998. If the sign was established before November 18, 1998, the applicant must provide evidence to show that the sign was established before November 18, 1998. Standard evidence that the sign was established before November 18, 1998 is:
 - 1. A building, zoning, sign or development permit;
 - 2. A photograph of the sign at its current location from the Official Sign Photo Inventory; or
 - 3. A date-stamped photograph of the sign at its current location.
- B. Sign legally established after November 18, 1998. If the sign was established after November 18, 1998, the applicant must provide evidence to show that the sign was allowed when established. Standard evidence that the sign was allowed when established is:
 - 1. Building, zoning, sign, awning or development permits; or
 - 2. Zoning codes or maps.
- C. Sign maintained over time. The applicant must provide evidence to show that the sign has been maintained over time. Standard evidence that the sign has been maintained over time is:
 - 1. Utility bills;

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2. Sign-specific property or income tax records;
3. Business licenses;
4. Listings in telephone, business, or Polk directories;
5. Advertisements in dated publications;
6. Building, sign, land use, or development permits; or
7. Records of sign lease agreements.

Chapter 32.38

LAND USE REVIEWS

Sections:

- 32.38.010 General.
32.38.020 Design Review and Historic Resource Review.
32.38.030 Adjustment Review.
32.38.040 Determination of Nonconforming Sign Status Review.

32.38.010 General.

(Amended by Ordinance No. 185915, effective May 1, 2013.)

- A. Procedures. Land use reviews of signs are administered under the provisions of Title 33, Planning and Zoning as modified by this chapter.
- B. Adjustments and Modifications. Requests for adjustments from the regulations of Chapters 32.30 through 32.38 are reviewed under Section 32.38.030, Adjustments. Modifications from the regulations of Chapters 32.30 through 32.38 through Design Review or Historic Resource Review are reviewed as specified in Chapters 33.825 and 33.846 of the Zoning Code. When the provisions of this Title prohibit adjustments, applications for adjustments will not be accepted.
- C. Content-Neutral Administration of Land Use Reviews. Notwithstanding any other provision of this Title or of related standards referenced in this Title,

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applications for adjustments, design review, and historic resource review for signs will be reviewed only with respect to sign structure or placement, or with reference to copy only to the extent of color or typeface and excluding any reference to message, category, subject, topic, or viewpoint.

32.38.020 Design Review and Historic Resource Review.

(Amended by Ordinance No. 185915, effective May 1, 2013.) Where design review or historic resource review is required by this Title, the awning or sign will be reviewed in accordance with the provisions of either Zoning Code Chapter 33.825, Design Review or Chapter 33.846, Historic Resource Review.

32.38.030 Adjustment Review.

- A.** Purpose. Sign adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs that enhance the overall character of an area or allow for mitigation of unusual site conditions.
- B.** Procedures. The adjustment procedures stated in Chapter 33.805, Adjustments, apply to sign adjustments. However, the approval criteria of this section are used, rather than of those of Chapter 33.805 of the Zoning Code.
- C.** Approval criteria. Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph C.1. or 2, below are met.
 - 1.** Area enhancement. The applicant must meet criteria C.1.a. and b. and either C.1.c. or d.
 - a.** The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a specific plan district or design district; and
 - b.** The sign will not create a traffic or safety hazard; and
 - c.** The adjustment will allow a unique sign of exceptional design or style that will enhance the area or that will be a visible landmark; or
 - d.** The adjustment will allow a sign that is more consistent with the architecture and development of the site.
 - 2.** Site difficulties. If there are unusual site factors that preclude an allowed sign from being visible to the street immediately in front of the site, an

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adjustment will be granted to achieve the visibility standards of Subparagraph d below. This adjustment is not intended to be used to make signs visible to other streets and rights of ways or to freeways. Site difficulties may include the sign face being blocked due to topography of the site, existing development or landscaping on the site, or from abutting development or landscaping. This set of adjustment criteria is generally intended for freestanding and projecting signs and allows greater flexibility in placement of the sign. The adjustment will be approved if all of the following criteria are found to be met:

- a. There is no reasonable place on the site for an allowed sign without an adjustment to achieve the visibility standards of Subparagraph d below;
- b. If the proposed sign extends into the right-of-way, the sign will not create a traffic or safety hazard;
- c. Of potential adjustments to meet the visibility standard of Subparagraph d., the request is the most consistent with the surrounding development and sign patterns; and
- d. The adjustment is the minimum needed for a sign to meet the following visibility standards:

Posted Road Speed	Visibility To Travel Lanes On The Street In Front Of The Site
35 mph or less	200 feet
40-50 mph	300 feet
55 mph or more	400 feet

32.38.040 Determination of Nonconforming Sign Status Review.

- A. Purpose. This review determines if a sign has legal nonconforming sign status.
- B. When this review is required. A Determination of Nonconforming Sign Status Review is required where a land use review or permit for a sign is requested, and the applicant does not provide standard evidence or the Director does not find the evidence to be satisfactory. This review also may be requested by an applicant when it is not required.
- C. Procedure. Determination of Nonconforming Sign Status Reviews are processed through a Type II procedure. See Zoning Code Chapter 33.730, Quasi-Judicial Procedures.